CIVIL SERVICE COMMISSION OF SAN FRANCISCO

151 City Hall

Sick leave without pay amendment

September 19, 1967

TO: All Appointing Officers
Department Heads and Personnel Officers
Employees and Employee Organization Representatives

The Civil Service Commission at its regular meeting held Monday, September 18, 1967, ordered posted the following amendment to Section 5c of Rule 31 "Leaves of Absence Without Pay". The amendment will be before the Civil Service Commission for adoption at the meeting of September 25th.

This amendment, and Rule 31 as revised in its entirety will become effective upon approval of the rule by the Board of Supervisors.

The amendment reads as follows:

"Section 5c. SICK LEAVE WITHOUT PAY: An appointing officer who has DEFINITE evidence that an employee is not medically or physically competent to perform his duties, ~~or~~ AND if allowed to continue in his employment may represent a risk to himself or to his fellow workers or to the public, may require such employee to present a medical report from his personal physician or from a Civil Service Commission examining physician certifying as to the employee's medical or physical competency to perform his duties. If the employee refuses to obtain such physician's certificate, the appointing officer may then place the employee on sick leave without pay (or sick leave with pay if the employee has sick leave with pay credits due), and shall immediately report such action to the Civil Service Commission. Return of such employee to his position shall be as provided in Section 5 (b) above. An employee placed on leave status under the provisions of this section may appeal to the Civil Service Commission and the employee shall thereupon be immediately referred to a civil service examining physician for examination and for report. Upon review of the medical report and such other evidence as may be obtained by the Civil Service Commission, or evidence that may be presented by the employee and the appointing officer, the Civil Service Commission shall make such decision as it may deem just, INCLUDING AN ORDER FOR PAYMENT OF SALARY FOR WORK TIME LOST WITHOUT PAY, IF THE ACTION OF THE APPOINTING OFFICER PLACING THE EMPLOYEE ON SICK LEAVE WITHOUT PAY IS REVERSED, which action of the Commission shall then be in force."

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert,
Assistant General Manager, Personnel

CIVIL SERVICE COMMISSION OF SAN FRANCISCO

151 City Hall

Proposed amendment to Rule 47

December 12, 1967

adopted 12/18/67

TO: All Appointing Officers
Department Heads
Employees and Employee Organization Representatives

The Civil Service Commission at its meeting held December 11, 1967, gave first reading to proposed amendment to Rule 47 - "Limited Tenure Appointments", Section 1, "Procedure", Paragraph 8. This amendment will be up for adoption by the Civil Service Commission at its meeting of December 18, 1967. Text of the proposed amendment reads as follows:

RULE 47 - Limited Tenure Appointments.

Section 1. Procedure. (Paragraph 8)

Pending the official issuance of a regular promotional examination announcement, the NEXT LOWER RANK OR RANKS SHALL BE THOSE classes listed in the official class specification FOR SUCH PROMOTIVE CLASS under "Promotive Lines-From", AND THOSE CLASSES LISTED IN OTHER OFFICIAL CLASS SPECIFICATIONS AS NEXT LOWER RANKS TO SUCH PROMOTIVE CLASS UNDER "PROMOTIVE LINES-TO", ~~shall constitute the next lower rank or ranks;~~ provided that if the classifications so listed in the official class specification(S) do not provide candidates who meet the training and experience requirements of the class specifications or otherwise do not provide candidates, or for other good and valid reasons which he deems to be in the best interest of the service, the General Manager, Personnel, may designate other classifications as next lower ranks.

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager, Personnel

HA:kc

First Reading: December 11, 1967
For Adoption: December 18, 1967

CIVIL SERVICE COMMISSION OF SAN FRANCISCO

151 City Hall

February 20, 1968

TO: All Appointing Officers
Department Heads and Personnel Officers
Employees and Employee Organization Representatives

At the regular meeting of the Civil Service Commission held February 20, 1968, the Civil Service Commission ordered posted for one week the following amendments to the Rules:

Rule 9 - Minimum Standing.

Rule 21- Waiver of Certification

Rule 22- Withdrawal of Waiver.

The amendments will be calendared for consideration for adoption at the regular meeting to be held February 26, 1968.

Attached are copies of the proposed amendments.

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager, Personnel

HA:kc

Attachments

February 19, 1968

To: Civil Service Commission

Through: George J. Grubb, General Manager, Personnel

From: Norman C. Ecklund, Director of Recruitment and Examinations

SUBJECT: AMENDMENT OF CIVIL SERVICE COMMISSION RULE 9 - "MINIMUM STANDING"

The passing mark for each written examination or series of examinations shall be 70 points on a 100 point rating scale unless it is determined by the Civil Service Commission or the General Manager, Personnel that, because of the limited number of current and definitely anticipated vacancies, the number of candidates shall be limited to a certain number. The score in the written portion of the examination will be the product of the weight as provided in the examination announcement and the decimal equivalent of the above provided rating scale.

The General Manager, Personnel shall determine the weight allowed for each question following the adoption of the official rating key and after giving due consideration to the difficulty of the test and the job requirements. The passing mark based on the rating scale referred to above need may be equal to, below, or above an arithmetical score of 70% of the items in the examination.

The required passing mark or standard for flexible staffing, typing tests, stenographic tests and other work-sample tests shall be as stated in the examination announcement.

Should the number of candidates be limited to a certain number as provided above in Paragraph 1, those additional candidates who attained a score above the score calculated in accordance with the first and second paragraphs above, shall be placed on the list, but will not be offered either permanent or temporary appointment until they successfully complete the remaining parts of the examination; provided that for such additional candidates who are placed on the list as a result of a promotional examination, ratings for city and county service and for ascertained merit will be based on the computation date listed on the examination announcement. The remaining sections of the examination (not including the written) when administered will be considered as qualifying. This procedure shall be effected only in cases where the number of candidates admitted to the original qualifications appraisal was limited because of a limited number of current and definitely anticipated vacancies in the classification, and an unanticipated need for employees in the classification has arisen.

Note: Because this proposal so amends the rule as to amount to a complete revision, no attempt has been made to show the changes proposed. The text of the current rule is as follows:

> The Personnel Director and Secretary may, upon recommendation of the Supervisor of Examinations or his principal assistant, for each examination, establish a passing mark or may determine the total number of persons who shall constitute the list of eligibles.

Respectfully submitted,

NORMAN C. ECKLUND
Director of Recruitment and Examinations

Approved: GEORGE J. GRUBB
General Manager, Personnel

CIVIL SERVICE COMMISSION OF SAN FRANCISCO

February 19, 1968

PROPOSED AMENDMENT TO RULE 21. WAIVER OF CERTIFICATION

Section 1. Must be in writing: All waivers of certification other than automatic waivers because of failure to respond (Rule 23) must be in writing and must state whether the position waived is temporary (or seasonal) or permanent. Waiver of certification for appointment to a permanent position shall include waiver of certification for appointment to a temporary (or seasonal) position unless otherwise stated by the person waiving: but waiver of certification for appointment to a temporary (or seasonal) position shall not adversely affect or interfere with the right of the person waiving, for appointment to a permanent position. Waiver of certification shall be effective upon filing notice thereof as herin provided. ~~In the case of an eligible on a list established through an entrance examination.~~ Only one waiver of permanent appointment to a regular position will be granted ON ENTRANCE AND/ OR PROMOTIVE LISTS and withdrawal of such waiver will be in accordance with the provisions of Rule 22, provided that in the case of an eligible on a list ~~established through an entrance examination~~ for which the official examination announcement provided for recruitment on a continuous basis, waiver of permanent appointment to a regular OR FLEXIBLE STAFFING position ~~other than departmental waiver~~ will cause the automatic removal of the name of such person from the eligible list. Failure of an eligible on an entrance AND/ OR A PROMOTIVE list to accept an offer of permanent appointment to a regular position after having withdrawn a waiver of appointment will cause the removal of the name of such person from the eligible list. When an eligible has standing on more than one eligible list in the same classification, a waiver of appointment, ~~other than Departmental Waiver,~~ from one list shall also apply to any other existing list in the same classification on which the individual holds eligibility. The removal of the name of an eligible from a list for failure to accept the second offer of appointment shall cause the removal of such person's name from all other existing lists in the same classification.

Section 1a. ELIGIBLES ON CURRENT PROMOTIVE LISTS WHO HAVE ALREADY WAIVED ONE OR MORE PERMANENT APPOINTMENTS SHALL HAVE ONE MORE OPPORTUNITY TO WAIVE A PERMANENT APPOINTMENT SUBSEQUENT TO THE ADOPTION OF THIS AMENDMENT.

Section 2. ~~DEPARTMENTAL: An eligible, upon furnishing reasons satisfactory to the Commission or to the General Manager, Personnel, may, permanently waive appointment to a certain department or departments and such waiver shall be known as "Departmental Waiver" and shall remain in force until the person who so waives has passed another examination for the class of employment waived, provided that, no person shall be permitted to enter a Departmental Waiver against a department from which he has relinquished permanent employment. When such Departmental Waiver has been allowed, the person so waiving shall not be considered for permanent appointment in any department in the class involved, until the first day of the following calendar month when such waiver takes effect. Eligibles on lists established through entrance examinations shall not be granted Departmental Waivers on more than two occasions on any one entrance list.~~

Section 2a. ~~Notwithstanding the provisions of Section 2 of this rule, and in order to facilitate the appointment of persons from regular lists to departments-in-which they are employed under non-civil service emergency appointment, or limited tenure appointment-or-regular temporary appointment, the General Manager, Personnel, may, upon the written request of such eligibles, grant Departmental Waivers to be effective immediately, and such eligibles shall thereupon be considered for appointment to any other department.~~

Section 2. Departmental Waiver: UPON WRITTEN NOTIFICATION BY THE EXAMINING DIVISION OF HIS ELIGIBILITY ON AN ENTRANCE AND/OR PROMOTIVE LIST, AN ELIGIBLE MAY PERMANENTLY WAIVE APPOINTMENT TO A CERTAIN DEPARTMENT OR DEPARTMENTS AND SUCH WAIVER SHALL BE KNOWN AS A "DEPARTMENTAL WAIVER" AND SHALL REMAIN IN FORCE UNTIL THE PERSON WHO SO WAIVES HAS PASSED ANOTHER EXAMINATION FOR THE CLASS OF EMPLOYMENT WAIVED. SUCH DEPARTMENTAL WAIVERS MUST BE FILED IN WRITING BY THE ELIGIBLE IN THE CERTIFICATION OFFICE OF THE COMMISSION BEFORE THE ADOPTION DATE OF THE RESPECTIVE LIST. EXCEPT AS HEREIN PROVIDED AND UPON THE EFFECTIVE DATE OF THIS AMENDMENT, DEPARTMENTAL WAIVERS WILL NOT BE GRANTED.

Section 2a. DEPARTMENTAL WAIVER FOR ELIGIBLES ON LISTS ADOPTED PRIOR TO EFFECTIVE DATE OF THIS AMENDMENT: EXCEPT FOR ELIGIBLES WHO HAVE ALREADY IN TWO INSTANCES FILED DEPARTMENTAL WAIVERS, ELIGIBLES ON LISTS ADOPTED PRIOR TO THE EFFECTIVE DATE OF THIS AMENDMENT WILL BE ALLOWED ONLY ONE OPPORTUNITY TO FILE A DEPARTMENTAL WAIVER WHICH MAY INCLUDE ALL DEPARTMENTS TO WHICH THE ELIGIBLE WILL NOT ACCEPT AN APPOINTMENT. NO DEPARTMENTAL WAIVERS WILL BE ACCEPTED THEREAFTER.

Section 3. NO CHANGE

Section 4. NO CHANGE

CIVIL SERVICE COMMISSION OF SAN FRANCISCO

February 19, 1968

PROPOSED AMENDMENT TO RULE 22. WITHDRAWAL OF WAIVER

Section 1. Withdrawal of waiver of temporary employment and withdrawal of waiver of permanent employment must be requested separately.

Eligibles desiring to withdraw waivers may do so by filing in writing in the CERTIFICATION office of the Commission on the proper civil service form ~~not later than the 20th of the month~~ a request to have such waiver withdrawn and by giving assurance in writing that he will accept ~~appointment~~ EMPLOYMENT when again reached for appointment. ~~Except as otherwise provided~~ AS PROVIDED in Rule 21, Section 1. in the case of eligibles on a list established through an entrance AND/OR A PROMOTIVE examination other than an examination announced on a continuing basis, only one ~~waiver of permanent appointment to a regular position will be granted~~ WITHDRAWAL OF WAIVER OF PERMANENT APPOINTMENT TO A REGULAR POSITION WILL BE GRANTED.

Misrepresentation regarding withdrawal of waiver shall be considered good cause for removal of the eligible's name from the register of eligibles.

Paragraph 3. ~~Withdrawals of waiver will be effective the first of the month following approval of such requests by the General Manager, Personnel, provided that if the list of eligibles on which the name of the eligible appears is exhausted, the withdrawal of waiver may be effective immediately.~~

Section 2. EFFECTIVE DATE: IF THERE ARE OTHER ELIGIBLES AVAILABLE FOR APPOINTMENT FROM A LIST, THE WITHDRAWAL OF WAIVER OF TEMPORARY AND/OR PERMANENT EMPLOYMENT ON ENTRANCE AND/OR PROMOTIVE LISTS SHALL BE EFFECTIVE ON THE DATE FILED. CERTIFICATION SHALL BE MADE AGAINST ANY REQUISITION RECEIVED ON OR AFTER THE DATE SUCH WITHDRAWAL OF WAIVER HAS BEEN FILED.

Section 2a. If the list of eligibles on which the name of the eligible appears is exhausted, the withdrawal of waiver SHALL BE EFFECTIVE IMMEDIATELY AND UNDER THE PROVISIONS OF RULE 19 POSITIONS SHALL BE OFFERED TO ELIGIBLES IN ACCORDANCE WITH THE PRIORITY OF RECEIPT OF THE REQUISITIONS IN THE OFFICE OF THE COMMISSION, OR IN ACCORDANCE WITH THE DATE TO REPORT FOR DUTY IF SUCH DATE TO REPORT IS LATER THAN THE DATE OF RECEIPT.

Section 2b. WHEN THE WITHDRAWAL OF WAIVER REQUIRES THE APPROVAL OF THE GENERAL MANAGER, PERSONNEL, THE EFFECTIVE DATE OF SUCH WITHDRAWAL OF WAIVER SHALL BE THE DATE APPROVED.

Section 3. IT IS FURTHER PROVIDED THAT WHEN AN ENTRANCE AND/OR PROMOTIVE LIST OF ELIGIBLES IS EXHAUSTED AND PERMANENT VACANCIES EXIST, THE GENERAL MANAGER, PERSONNEL MAY, IN HIS DISCRETION, REQUIRE THE IMMEDIATE WITHDRAWAL OF A PERMANENT WAIVER. FAILURE TO WITHDRAW THIS WAIVER AND TO ACCEPT SUBSEQUENT OFFER OF PERMANENT APPOINTMENT WILL CAUSE THE REMOVAL OF THE NAME OF SUCH PERSON FROM THE ELIGIBLE LIST.

Paragraph 4. ~~Upon the third request for withdrawal of waiver of temporary employment for any one class, the Civil Service Commission shall make an investigation and determine whether or not the eligible shall be removed from the eligible list concerned.~~

Section 4. THE Commission or the General Manager, Personnel, may grant an immediate withdrawal of waiver to an eligible who is under waiver for failure to respond if the eligible desired to accept appointment when offered and presents satisfactory evidence that failure to respond was not due to his own negligence and was due to causes beyond his control, but such immediate withdrawal of waiver shall not interfere with nor affect the rights of eligibles next in line for appointment to whom notices of appointment have already been mailed and who have or may be appointed in response to such notices.

Section 5. When, in response to an inquiry regarding employment, an eligible has signified his willingness to accept a permanent ~~or temporary~~ position if his name is reached, and subsequently refuses the appointment when the employment is offered to him on a regular notice of appointment, the waiver then placed against the name of such eligible may be removed only with the special consent of the ~~Civil Service Commission~~ GENERAL MANAGER, PERSONNEL.

Paragraph 5. NO CHANGE

Paragraph 6. NO CHANGE

CIVIL SERVICE COMMISSION OF SAN FRANCISCO

151 City Hall

February 28, 1968

Proposed amendments to Rule (31.4)

To: All Appointing Officers
Department Heads and Personnel Officers
Employees and Employee Organization Representatives

The Civil Service Commission at its regular meeting held February 26, 1968 ordered the attached proposed amendment to Rule 31.4 - Employee Training Reimbursement Program to be posted for one week, and to be calendared for consideration and action at the regular meeting to be held March 4, 1968.

The purpose of the amendment is to make it possible for the Civil Service Commission to approve requests for training reimbursement for courses at recognized educational institutions where the course may not be graded.

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager,
Personnel

HA/pb
Attachment

February 23, 1968

RULE 31.4 - EMPLOYEE TRAINING REIMBURSEMENT PROGRAM

Section 1. WHO MAY APPLY FOR REIMBURSEMENT: Any employee or officer holding regular appointment to a full time permanent position under the city and county or the San Francisco Unified School District, who has served a minimum of one year continuous permanent service in any class immediately prior to receipt of application, may apply for tuition reimbursement in accordance with the provisions of this rule and the provisions of the Administrative Code. Applications for reimbursement shall be prepared in duplicate on a special form provided by the Civil Service Commission; the original of such form shall be forwarded to the Civil Service Commission, a copy shall be retained by the employee. Such application for reimbursement shall be made prior to the date of enrollment in the course and if approved by the Civil Service Commission, reimbursement shall be subject to successful completion of the course ~~with a passing grade~~ and availability of funds. The employee so reimbursed must agree to remain in the employ of the city and county for at least two years following completion of the training course. If an employee resigns or relinquishes from the city within the two-year period and withdraws his funds from the Retirement System, the amount of the tuition reimbursed shall be repaid by the employee to the City and County of San Francisco by cash payment or out of the employee's last pay warrant or retirement earnings.

Section 2. TRAINING FOR PROMOTION OR ADVANCEMENT: An eligible employee or officer may apply for reimbursement for a training course pertaining to the duties of a higher classification when such course is given outside of regular working hours by an accredited educational institution; accredited educational institutions shall be defined as institutions whose courses offered for credit are acceptable for regular examination given by the San Francisco Civil Service Commission. Subject to the budgetary

and fiscal provisions of the charter, the employee or officer shall be reimbursed one-half of the cost for tuition for said course if attendance has been approved in advance, and funds have been appropriated and are available. The Civil Service Commission will verify that the employee has satisfactorily completed the course WITH A PASSING GRADE. IF THE COURSE IS NOT GRADED, OR IS NOT A CREDITED COURSE, an official transcript or other official document from the accredited school certifying completion of the course ~~with a passing grade~~ shall be deemed evidence of satisfactory completion.

a) NO CHANGE.

b) NO CHANGE.

Section 3. TRAINING FOR WORK IN PRESENT CLASSIFICATION: An eligible employee or officer may apply to the Civil Service Commission through his appointing officer for reimbursement in a training course during or outside working hours for the purpose of improving himself in his present classification, given by an accredited educational institution; accredited educational institutions shall be defined as institutions whose courses offered for credit are acceptable for regular examination given by the San Francisco Civil Service Commission. The Commission shall be the judge of whether such training meets the criteria of improving performance in the employee's present job and whether the training can be provided through available in-service activities. Subject to the budgetary and fiscal provisions of the charter, the employee or officer shall be reimbursed for tuition, supplies, books, and other fees for such course if attendance has been approved in advance and funds have been appropriated and are available. If attendance is during regular hours, it shall be considered a duty assignment for the purpose of payment of salary. THE CIVIL SERVICE COMMISSION WILL VERIFY THAT THE EMPLOYEE HAS SATISFACTORILY COMPLETED THE COURSE WITH A PASSING GRADE. IF THE COURSE IS NOT GRADED, OR IS NOT A CREDITED COURSE, AN OFFICIAL TRANSCRIPT OR OTHER OFFICIAL DOCUMENT FROM THE ACCREDITED SCHOOL CERTIFYING

COMPLETION OF THE COURSE SHALL BE DEEMED EVIDENCE OF SATISFACTORY COMPLETION.

a) NO CHANGE

Section 4. NO CHANGE

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

February 28, 1968

To: All Appointing Officers
Department Heads and Personnel Officers
Employees and Employee Organization Representatives

The Civil Service Commission at its regular meeting of February 26, 1968 had for consideration the attached copies of a proposed statement of an employee relations policy and a proposed new Rule 56 - Employee Relations - Grievance Procedure.

A prior draft of the Policy Statement and a formalized grievance procedure was distributed to all appointing officers, employees and employee organizations some time ago. Meetings were held with various interested parties to discuss the proposals.

It was the action of the Civil Service Commission on February 26, 1968, that the Statement of Policy and the proposed new rule be posted for two weeks, and that it be again calendared for consideration and action at the regular meeting to be held March 11, 1968.

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager, Personnel

HA/pb
Attachment

SAN FRANCISCO CIVIL SERVICE COMMISSION

EMPLOYEE RELATIONS POLICY

FOREWARD

The government of the City and County of San Francisco is charged with the responsibility for providing services for the protection and welfare of its citizens, visitors, and guests with a maximum degree of effectiveness and efficiency. Efficient administration of city and county government requires harmonious labor-management relations.

An employee relations policy which includes an effective grievance procedure whereby employees would have the maximum possible opportunity to discuss problems and complaints with management, and management has the obligation to act promptly in resolving such problems, would be in the best interests of good employee-management relations. Harmonious and cooperative relationships between civil servants, both employees and officers, can be advanced with the adoption and implementation of such a policy.

It is the purpose of this declaration to assure effective administration of employee-management relations through the establishment of formalized grievance procedures whereby employees may obtain consideration of their problems in matters over which management has complete or partial jurisdiction and for which redress is not provided elsewhere in the laws and rules relating to employee's rights and obligations.

1. PROGRAM SCOPE AND PRINCIPLES

An employee problem exists when an employee feels dissatisfied or annoyed with some aspect of his work over which he has no control. In any organization it is almost inevitable that there will be some difficulties and misunderstandings over a period of time. These difficulties in many organizations are referred to as grievances.

It is important to employees and supervisors alike that these problems be presented and decisions made. Improvement of personnel relationships and departmental relationships is the natural consequence of better understanding. Unless the problem is expressed clearly to the person in authority, in many cases the difficulty cannot be understood and therefore cannot be solved. This procedure should be followed by the employee who sincerely feels that he has a real employment problem; who desires that it be reviewed by his immediate supervisor and, if necessary, by higher authorities with a decision rendered to him on the subject.

Employees are free to seek answers to any questions and adjustments of any complaints, problems or grievances without discrimination, coercion, restraint, or reprisal.

Supervisors and higher authorities shall see that all questions, complaints, and grievances within the scope of an Employee Problems Procedure receive prompt, impartial and systematic consideration in attempting to reach satisfactory adjustments. The following basic elements are involved in this procedure.

A. Employees are encouraged without resort to any formal procedures to discuss informally with superiors any problems within the scope of this system, and supervisory and administrative personnel are required to be interested and accessible for such discussion. Free and easy communication between supervisor and employee can stop many grievances from arising and prevent having to go higher for settlement.

B. To be workable and effective, the system must be considered fair and reasonable by both subordinates and superiors, and the system must be used in good faith by all parties concerned.

C. Employee problems and grievances should be settled as close to the source or the origin of the problem as possible. In the interest of resolving as many problems as possible before they become grievances, there should be a continuing review of delegations of authority to assure that supervisors can exercise this responsibility effectively.

D. The employee problems and grievances should be handled as far as possible during regular working hours.

E. The procedure should be simple and easy to understand. It should contain a minimum number of steps which must be operated in a uniform, orderly and prompt manner. Definite time limits for consideration and decision of employee problems is most important.

F. The procedure should permit the employee to be accompanied and represented by another person at <u>any</u> stage of the procedure after the first step if the employee so desires. This representative may be any one person of the employee's choosing who is willing to represent him.

G. A common complaint or problem submitted by a group of employees will be handled by one employee designated by the group and if desired by a representative.

H. The procedure should provide for following the chain of command from the immediate supervisor to department head. In addition, there should be a further procedure for appealing the decision of the department head to an appeals committee composed of an employee representative, a management representative and a third neutral party. The decision of this appeals committee is advisory to the department head upon whom the Charter places the responsibility for the establishment of policy in the operation of the organizational unit.

I. The initiation or intention to initiate a problem, complaint or grievance under such procedures will not excuse or justify refusal or failure of an employee to promptly and completely perform all work assignments from a supervisor.

J. The interpretation, implementation and modification of the objectives, procedures and purposes of such a system should be made as necessary by the Civil Service Commission.

RULE 56. EMPLOYEE RELATIONS - GRIEVANCE PROCEDURE.

I. DEFINITIONS:

a) Grievance - a complaint of an employee or a group of employees relating to any phase of his employment or working conditions; a disagreement involving the work situation in which an individual employee or group of employees believe that an injustice has been done. See Section II for examples of matters to be included, and Section III for examples of matters to be excluded.

b) Employee - any City and County employee in the service regardless of status.

c) *Immediate Supervisor - the individual who immediately assigns, reviews or directs the work of an employee.

d) *Superior - an individual to whom an immediate supervisor reports.

e) *Division head - the supervisor in charge of a division within a principal department. In some instances this may be a unit head so designated by the division head.

f) * Appointing authority - the head of the department having the lawful power to make appointments or to remove persons from positions in the City and County service.

g) Representative - an individual or an employee organization representative who appears on behalf of the employee - such representation is permissible at any step in the procedure after Step I.

*Note: Included herein are described four levels of supervision and direction. It is recognized that the organizational pattern of the department must be considered in the application of steps to be followed.

II. MATTERS INCLUDED IN THIS PROCEDURE:

(Refer to III for matters excluded from this procedure.)

Employee problems which may arise are varied. Because of this, the

Employee Problems Procedure Manual cannot identify every type of grievance or cover every aspect of the work situation. Below are listed some typical examples of employee problems to be covered in this system:

A. The physical plant in which he works (for example, lighting or sanitation).

B. Working conditions on the specific jobs (for example, unnecessarily dangerous methods, unnecessarily inconvenient work hours, inadequate tools, etc.).

C. Relationships with fellow employees (for example; allegation that a fellow employee shirks his share of the work; allegation that a superior is unfair, inconsiderate or discriminatory; allegation by an employee that a group of employees affects him or his position in an unfair manner.)

D. The application of city or departmental regulation as they are applied to the employee (for example, an established regulation has been violated or has been unfairly applied to the employee.)

The important basic factor is that anything which to the employee is a problem affecting his work may be considered for inclusion and handling in accordance with these procedures. There is no need to make a problem conform to one of the above types to have it considered.

III. MATTERS NOT TO BE HANDLED BY THIS PROCEDURE:

There are certain types of employee problems which cannot be remedied or considered through this procedure. These are handled through other established procedures such as those incorporated in the City Charter, ordinances, departmental rules and the Rules of the Civil Service Commission. The employee's immediate supervisor or higher departmental authority or the Civil Service Commission office will explain these other procedures if there is need to use them. The most notable exceptions are:

A. Classification of positions.

B. Compensation and other benefits established by ordinance.

C. Appeals of official employee evaluations.

D. Employment status, such as dismissals and layoffs.

E. Examinations and promotions.

F. Any other matter subject by law to appeal to the Civil Service Commission.

Where an organized group of employees have signed a written memorandum of agreement with an appointing officer providing for a group grievance procedure, then such group grievances will be in accord with the written memorandum of agreement and not with the procedures set forth herein.

IV. THE EMPLOYEE PROBLEMS PROCEDURE - GENERAL PROVISIONS:

A. Whenever possible and practicable employee problems or grievances are to be handled during the regularly scheduled working hours of the persons involved.

B. An employee Problems Form shall be used in this procedure.

C. When needed, there shall be an Employee Problems Appeals Committee which will be established as follows:

1) An employee designated by the appointing officer concerned.

2) An employee or other representative selected by the complainant.

3) A neutral person selected by the above two persons to act as Chairman of the Committee, or if they fail to agree on such a third person, then within five working days from the date of the receipt of the grievance by the Appeals Committee, the American Arbitration Association shall be requested to appoint an impartial person to serve as the Chairman of the Committee. The cost of the services of the impartial person shall be borne equally by the employee and the department. In the event that the employee does not desire to share in the cost of the impartial person, then the decision of the appointing officer under Step 4 shall be final.

D. Any step of the procedure may be the last in that the problem shall be considered settled at the completion of any step in the procedure when all parties involved are satisfied. Dissatisfaction on someone's part is implied in the movement of the complaint from one step to the next. Experience has shown that the majority of employee problems will be settled at the first step.

V. THE STEPS OF THE EMPLOYEE PROBLEMS PROCEDURE:

STEP 1 - Immediate supervisor (Oral)

a) The employee will explain, orally, the situation and problem to the employee's immediate supervisor.

b) The supervisor will either alone or after consultation with his superior(s), reach a decision and communicate it orally to the employee within two working days of his being told of the situation causing the problem or grievance.

Every possible effort should be made by all parties concerned to settle employee problems at this level on an oral basis.

STEP 2 - Immediate Supervisor (written)

a) If the employee is not satisfied with the oral decision rendered, he will submit the problem including proposed solution in writing on the Employee Problems Form to his immediate supervisor.

b) The immediate supervisor either alone or after consulting with his superior(s), will notify the employee and his representatives if desired in writing of his decision in the space provided on the original Employee Problems Form. This form shall be returned to the employee within three working days of the receipt of the written complaint.

STEP 3 - Superior or Division Head

a) If the complaint, problem or grievance is not settled in the second step, the employee and his representative, if desired, shall use the space provided in the original Employee Problems Form to submit the problem in writing

to the employee's division head. A grievance will be considered to be settled unless an appeal is filed with the superior or division head not later than five working days after the date the written decision was returned to the employee by his immediate supervisor.

b) After review and discussion, if necessary, the superior or division head shall use the space provided on the original Employee Problems Form to notify the employee in writing of his decision, and this form shall be returned to the employee within five working days of receipt of the complaint.

STEP 4 - Appointing Officer

a) If the problem is not settled in Step 3, the employee and his representative if desired shall use the space provided and send the same Employee Problems Form to the appointing officer within five working days after the date of the decision by the division head.

b) After review and discussion, if necessary, the appointing officer shall use the space provided on the original Employee Problems Form to notify the employee of his decision, and this form shall be returned to the employee within five working days of receipt of the complaint.

STEP 5 - Employee Problems Appeals Committee

a) If the problem is not settled in the 4th step, the employee and his representative if desired shall use the space provided and send the same Employee Problems Form to the appointing officer within five working days of the receipt of the appointing officer's decision, for forwarding to the Chairman of the Employee Problems Appeals Committee (See IV -C-3). On the space provided on the form, the employee aided by his representative, if desired, and the appointing officer shall each list their selection of a qualified employee of the city to serve on the appeals committee. These two employees shall select a third neutral person or otherwise follow the procedure as provided in Section IV -C-3). The appointing officer shall forward the form to the Employee Problems

Appeals Committee within three working days of its receipt from the employee.

b) The employee problems appeals committee shall study the record of the case and shall hold an informal hearing.

c) The Committee shall notify the appointing officer in writing and other interested parties of its recommendation as soon as possible.

d) Upon receipt of the Committee's recommendation, the appointing officer shall make a final decision in the matter and notify in writing all parties concerned within three working days of receipt of the Committee's recommendation.

e) The original copy of the Employee Problems Form; a copy of the written recommendation of the employee problems appeals committee; and a copy of the final written decision of the appointing officer shall be placed in the employee's file in the Civil Service Commission.

VI. AN EXPLANATION OF THE REASONS FOR THE STEPS:

STEPS 1 AND 2.

The immediate supervisor is the leader of the group in the work situation and their representative in dealings with the rest of the organization. To lead effectively, the supervisor must have information from both sides. To give him this information is one of the major purposes of the Employee Problems Procedure. This procedure is not a substitute for the supervisor nor a device to short-circuit him.

The immediate supervisor is the one who assigns and reviews the work of the employee. He is, therefore, the one most familiar with working conditions. It is expected that nearly all cases will be settled at this level, especially at the first step.

The employee has two chances to tell the supervisor about his problem, once orally and once in writing. In other words, they both have the time to

think about the problem. Both orally and in writing, the employee should be specific. The employee should make sure that his problem or grievance is stated in a way that others can check. General terms mean different things to different people, but specific statements normally can be readily understood by all parties.

STEPS 3, 4 AND 5.

Even when both parties understand one another, differences of opinion may exist. These steps give the employee a chance to have his grievance considered by higher authorities in the organization and to have a representative of his own choosing as a member of the committee considering the problem at the higher level. It is expected that only serious problems or grievances will get this far, and then only if the employee thinks that new views are required to arrive at a fair decision.

CITY & COUNTY OF SAN FRANCISCO
EMPLOYEE GRIEVANCE FORM

DATE_____

NAME_____ JOB TITLE_____

DEPARTMENT_____ UNIT/SECTION_____

Description of Problem_____

_____

_____

_____

_____

Action Requested_____

_____

(Attach additional sheets if needed for any section of form)

I discussed this with my supervisor on (Date)_____ Employee's Signature_____

_____

1) Grievance Review - Immediate Supervisor's Decision: Date Received:

Signature: Title: Date:

Employee Response if Above is Not Accepted:

Signature: Title: Date:

2) Grievance Review - Second Level Decision: Date Received:

Signature: Title: Date:

Employee Response if Above is Not Accepted:

Signature: Date:

3) Grievance Review - Third Level Date Received:
Decision:

Signature: Title: Date:

Employee Response if Above is Not Accepted:

Signature: Date:

SAN FRANCISCO CIVIL SERVICE COMMISSION
151 City Hall

February 13, 1969

To : Department Heads
Appointing Officers
Departmental Personnel Officers
Employee Organization Representatives
Civic, Public and Professional Organizations

SUBJECT: CIVIL SERVICE RULES REVISION (PUBLIC HEARING)

The Civil Service Rules Study Committee has completed its work on Section 5.01, and Sections 5.10 through 5.13 of Rule 5, General Hearing and Meeting Procedure, which are included in this bulletin.

Please submit your comments concerning the attached draft to James F. Wurm, 151 City Hall, by February 21, 1969.

The Committee will hold a public hearing on Sections 3, 4 and 5 on Wednesday, February 26, 1969, at 11:00 AM in the Civil Service Commission examination chamber, Room 52A, basement City Hall. Sections 3, 4 and a portion of Section 5 were attached to our memorandum of October 3, 1968.

CIVIL SERVICE COMMISSION

John L. Molinari, Jr.
John L. Molinari, Chairman
Rules Study Committee

JFW/co

Attach.

RULE 5

GENERAL HEARING AND MEETING PROCEDURE

SECTION 5.01 COMMUNICATIONS

Communications requiring action by the Civil Service Commission must be filed in writing in the office of the Commission. Such communications received before 12:00 Noon, Thursday, shall be noted on the Commission calendar for the next following regular meeting following such date with disposition recorded.

The General Manager, Personnel, shall prepare a supplemental calendar of matters received up to 11:00 AM, Monday, which in his judgment require immediate attention of the Commission. Communications not requiring action by the Civil Service Commission under these rules shall be processed by the General Manager, Personnel, as provided by these rules and proper notations shall be made on pertinent records.

SECTION 5.10 ITEMS HEARD OUT OF ORDER

A request that a calendared item be heard out of order shall be presented to the Assistant Secretary prior to the start of the meeting stating the reason for the request. The President shall decide if the request will be granted. This section may be suspended by unanimous vote of the Commissioners present.

SECTION 5.11 CALENDARED MATTERS TO BE POSTPONED

All calendared matters to be postponed shall be announced at the start of the meeting by the Assistant Secretary.

SECTION 5.12 MATTERS TO BE HEARD BY THE COMMISSION

Only matters that have been calendared will be heard by the Commission at any meeting. No oral requests for ruling will be considered.

SECTION 5.13 ORDER OF PRESENTATION

The proponent of any calendared matter shall first present his supporting arguments. The opponent of any calendared matter shall then present his arguments in opposition. Questions of opposing parties shall be allowed at the determination of the President. After original statements have been heard, additional statements and questions may be presented at the discretion of the President.

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

March 4, 1969

Proposed Statement of an employee relations policy

TO: All Appointing Officers
Department Heads
Employees and Employee Organization Representatives

The Civil Service Commission at its regular meeting held March 3, 1969 heard arguments relative to the proposed new Rule 56 - "Employee Relations - Grievance Procedure". A copy of the proposed rule was sent to all appointing officers, department heads and employee organization representatives, under date of February 18, 1969.

The Civil Service Commission approved several changes to the proposed rule and ordered it posted for one week, to be calendared for adoption at the regular meeting to be held March 10, 1969.

Attached is a copy of the sections of the rule involved, indicating the changes approved by the Commission.

CIVIL SERVICE COMMISSION

Harry Alberts

Harry Alberts
Assistant General Manager,
Personnel

HA:kc

Attachment

March 4, 1969

CHANGES APPROVED BY THE CIVIL SERVICE COMMISSION TO PROPOSED NEW RULE 56 - "EMPLOYEE RELATIONS - GRIEVANCE PROCEDURE".

Section II (A) - Add to last sentence as follows:

In the event of a dispute as to "authority of an appointing officer to act", the appointing officer shall request the advice of the City Attorney WHO SHALL RESPOND WITHIN TEN WORKING DAYS. THE APPOINTING OFFICER SHALL PROVIDE A COPY OF THE CITY ATTORNEY'S OPINION TO THE GRIEVANT.

Section II (F) - Second sentence:

Representation shall be limited to ~~one~~ THREE such designated representative(S), provided that the limitation shall not apply to the use of witnesses. Such representation is permissible at any step in the procedure. ~~after Step 1.~~

Section II - Add new paragraph (G):

G. WITNESS. ANY PERSON WHOM THE GRIEVANT WISHES TO APPEAR TO ASSIST HIM IN ESTABLISHING THE FACTS OF HIS GRIEVANCE.

Section III (A) - (2):

The steps in the procedure set forth herein shall be followed unless it is agreed by the ~~appointing officer~~ APPROPRIATE SUPERVISOR and the grievant that the grievances should be started at Step 3 or Step 4.

Section III (B) - Step 1:

Immediate Supervisor (Oral)

a) The employee AND/OR HIS REPRESENTATIVE IF REQUESTED BY THE EMPLOYEE shall explain, orally, the grievance to the employee's immediate supervisor, if the grievance starts at Step 1.

Section III (B) - Step 1:

b) The supervisor shall reach a decision and communicate it orally to the employee AND/OR HIS REPRESENTATIVE within ~~two~~ FOUR working days of his being told of the grievance.

Section III (C) - Step 2:

Immediate Supervisor.

a) If the employee is not satisfied with the decision rendered, he, AND/OR HIS REPRESENTATIVE, ~~if acting alone~~ shall submit the grievance in writing WITHIN SEVEN WORKING DAYS to the immediate supervisor ~~If the employee has a representative then the grievance may be submitted orally or in writing~~ on the employee grievance form. ~~to his immediate supervisor.~~

Section III (C) - Step 2:

Immediate Supervisor.

b) Change three to FIVE.

Section III (D) - Step 3:

Intermediate Supervisor.

a) Change five to SEVEN.

b) Change five to SEVEN.

Section III (E) - Step 4:

Appointing Officer.

a) Change five to SEVEN.

b) Change five to SEVEN.

Section III (F) - Step 5:

Employee Grievance Appeals Committee.

b) Change five to SEVEN.

d) Change five to SEVEN.

e) Add to last sentence -

If the appointing officer does not accept the committee's recommendation, he shall fully set forth in writing his reasons for such non-acceptance, A COPY OF WHICH SHALL BE SENT TO THE CIVIL SERVICE COMMISSION.

Section III (G) - Add to paragraph -

A COPY OF SUCH WRITTEN MEMORANDUM OF AGREEMENT SHALL BE FILED IN THE OFFICE OF THE CIVIL SERVICE COMMISSION.

SAN FRANCISCO CIVIL SERVICE COMMISSION
151 City Hall

April 14, 1969

To: Appointing Officers
Department Heads
Employee Organization Representatives

The Civil Service Commission at its meeting of April 14, 1969, gave first reading to a proposed amendment to Rule 32 - Sick Leave With Pay, The amendment renumbers Section 16 to Section 17 and adds a NEW Section 16. This new Section will be adopted by the Civil Service Commission at its meeting of April 21, 1969.

The proposed new Section reads as follows:

RULE 32 - SICK LEAVE WITH PAY

(New) SECTION 16: SICK LEAVE WITH PAY COMPENSATION: AN EMPLOYEE ON SICK LEAVE WITH PAY SHALL BE COMPENSATED DURING SUCH PERIOD OF LEAVE, THAT AMOUNT WHICH HE WOULD HAVE EARNED HAD HE WORKED DURING THAT SAME PERIOD, EXCLUDING OVERTIME EARNINGS.

This new section will bring the Sick Leave With Pay procedure in conformity with that followed in the case of vacations.

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager

JFW/co

First reading: 4/14/69
For adoption : 4/21/69

SAN FRANCISCO CIVIL SERVICE COMMISSION
151 City Hall

April 29, 1969

TO: All Appointing Officers
Department Heads
Employees and Employee Organization Representatives

Under date of April 14, 1969, appointing officers, department heads and employee organization representatives were notified of a proposed amendment to Rule 32 - "Sick Leave With Pay". This proposed amended was posted, to be considered for adoption by the Commission at the regular meeting held April 21, 1969.

At the meeting of the Commission held April 28, 1969, a staff report recommending that the rule be restated, was approved and again ordered posted for one week for consideration for adoption on May 5, 1969.

The restatement of a new Section 16 of Rule 32 - "Sick Leave With Pay", is as follows:

"SICK LEAVE WITH PAY COMPENSATION: EMPLOYEES ASSIGNED TO POSITIONS THAT ARE SCHEDULED ON A SHIFT BASIS SHALL, WHEN ON SICK LEAVE WITH PAY, BE PAID THE SHIFT DIFFERENTIAL WHICH THEY WOULD HAVE EARNED HAD THEY WORKED DURING THAT SAME PERIOD."

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager,
Personnel

HA:kc

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

July 1, 1969

To: All Appointing Officers
Department Heads
Personnel Officers
Employees and Employee Organization Representatives

At the regular meeting of the Civil Service Commission held June 30, 1969, the Civil Service Commission ordered posted a proposed amendment to the sick leave rule as it concerns the administration of sick leave in the Police Department.

The proposed amendments which were previously approved by the Police Commission, subject to approval by the Civil Service Commission and the Board of Supervisors, are as follows:

SICKNESS AND DISABILITY

5.51 A member unable to report for duty at the prescribed time as a result of sickness shall immediately report that fact to his station or bureau, and if unable to report for duty for three (3) consecutive working days because of sickness he shall forward to his commanding officer a certificate signed by the attending qualified physician or surgeon stating the reason for such inability to report for duty. If said certificate is sent by mail, it shall be mailed by Special Delivery Registered Mail and the station or bureau so notified.

5.51.1 (Added) A member unable to report for duty at the prescribed time as a result of disability shall immediately report that fact to his station or bureau and without unreasonable delay forward to his commanding officer a certificate signed by the attending qualified physician or surgeon describing the disability. If said certificate is sent by mail, it shall be mailed by Special Delievery Registered Mail and the station or bureau so notified.

For Adoption: 7-7-69

CIVIL SERVICE COMMISSION
Harry Albert
Harry Albert
Assistant General Manager,
Personnel

HA:kc

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

July 9, 1969

To: All Appointing Officers
Department Heads
Personnel Officers
Employees and Employee Organization Representatives

The following amendment of Rule 55 - "Transport Workers' Union San Francisco Municipal Railway Trust Fund", Section 9 - "Audit Report", was ordered posted at the regular meeting of the Civil Service Commission held July 7, 1969, to be considered for adoption at the regular meeting to be held July 14, 1969:

"Section 9. Audit Report.

The Trust Fund shall be audited semi-annually by an auditor to be designated by the Controller of the City and County. The auditor's report shall be made to the Board of Supervisors, with copies to Local 250A, Transport Workers Union of America (or to the employee organization having exclusive group representational rights before the Public Utilities Commission), the Public Utilities Commission, the Civil Service Commission, ~~and the~~ Controller, AND 12 COPIES TO THE SECRETARY OF THE TRUST FUND FOR DISTRIBUTION TO EACH TRUSTEE AND ALTERNATE TRUSTEE, and the cost of such audit report shall be paid for by the City and County from funds to be appropriated for such purpose by the Board of Supervisors."

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager,
Personnel

HA:kc

TO: ALL DEPARTMENT HEADS
APPOINTING OFFICERS
PERSONNEL OFFICERS
EMPLOYEES AND EMPLOYEE ORGANIZATION REPRESENTATIVES

Attached is a copy of a staff report to the Civil Service Commission recommending an amendment to Rule 3 - "Applications", Section 1 - "Notice of Examination", Paragraph 3, of the Civil Service Commission rules. The report explains the reason for the proposed amendment.

It was the action of the Commission that the proposed rule amendment be posted for three (3) weeks to be considered for adoption at the regular meeting of the Civil Service Commission to be held on October 27, 1969.

CIVIL SERVICE COMMISSION

October 2, 1969

4202-69

To: Civil Service Commission

Through: George J. Grubb, General Manager, Personnel

From: Norman C. Ecklund, Director of Recruitment and Examinations

SUBJECT: AMENDMENT TO RULE 3, APPLICATIONS, SECTION 1, NOTICE OF EXAMINATIONS, PARAGRAPH 3

In order to broaden promotional opportunities for employees in the City and County service and to expedite the processing of promotional examinations it is recommended that Rule 3, Section 1, Paragraph 3 be amended. This amendment will change the procedure for employee requests to be included in the next lower rank in promotional examinations by giving employees continuous opportunity to request inclusion in the next lower rank in any particular examination or examinations. It will provide for review of such requests prior to the announcement of a promotional examination and will simplify the appeal procedure relating to such requests.

The current rule reads as follows:

> "When examination for promotion are to be held, the Personnel Director and Secretary will give notice thereof to all persons in positions entitling them, under the examination announcement and the civil service rules, to participate in such examinations, by posting information thereof in the business office of the Commission for a period of ten days and by notifying the departments concerned."

The proposed rule is as follows:

> "Notice of promotional examinations shall be posted on the bulletin board of the Commission for a period of not less than 10 days. Examination announcements and applications shall be distributed through the departments concerned to all employees in next lower rank classifications. Employees desiring inclusion of a class in the next lower rank of a specific promotional examination must make such request on forms provided by the Commission prior to the announcement of the promotional examination. Failure to make such request shall preclude appeals or requests for reconsideration concerning the inclusion of a classification in the next lower rank. Prior to the issuance of a promotional examination announcement the General Manager, Personnel shall review such request and, no later than the date of issuance of the announcement, such request shall be placed in the mail, at the applicant's risk, with annotation as to whether or not the request has been allowed. Notwithstanding the provisions of Rule 41 or any other provision of these rules, appeals concerning the decision of the General Manager, Personnel must be submitted within seven (7) business days of the date of issuance of the announcement as requests for reconsideration by the Civil Service Commission."

It is recommended that this rule become effective on January 1, 1970 and that notification of the effect of this rule be sent to all employees through their respective departments no later than November 30, 1969.

Respectfully submitted,

NORMAN C. ECKLUND
Director of Recruitment and Examinations

Approved: GEORGE J. GRUBB
General Manager, Personnel

NCE:JD:lt

Proposed Amendments to Rules

Rule 12

TO: ALL DEPARTMENT HEADS
APPOINTING OFFICERS
PERSONNEL OFFICERS
EMPLOYEES AND EMPLOYEE ORGANIZATION REPRESENTATIVES

Attached is a copy of a staff report to the Civil Service Commission recommending an amendment to Rule 12 of the Civil Service Commission rules by the addition of Section 4 thereto. The report explains the reason for the proposed amendment.

It was the action of the Commission that the proposed rule amendment be posted for three (3) weeks to be considered for adoption at the regular meeting of the Civil Service Commission to be held on November 3, 1969.

CIVIL SERVICE COMMISSION
//

October 8, 1969

To: Civil Service Commission

Through: George J. Grubb, General Manager, Personnel

From: Norman C. Ecklund, Director of Recruitment and Examinations

SUBJECT: AMENDMENT OF RULE 12 BY THE ADDITION OF SECTION 4 THERETO

In order to expedite the posting of eligible lists wherein large numbers of participants are involved or there is an immediate need for eligibles in the classification, it is recommended that a new Section 4 be added to Rule 12 to read as follows:

SECTION 4. INSPECTION OF RATING KEYS BY REVIEW COMMITTEE. Notwithstanding the provisions of Rule 12, Section 1 or any other provision of these rules, the examination announcement may provide for review of questions and answers thereto by a review committee in those examinations wherein large numbers of protests on key answers might be anticipated on the basis of past experience, or there is an immediate need for appointees in the classification involved. Such review committee shall be composed of three or more persons, expert in the field of subject matter covered by the examination. For examinations in the uniformed classifications in the Police and Fire Departments, or other uniformed forces, the members of the Committee shall be appointed by the General Manager, Personnel from among a panel of five officers submitted by the appointing officer of the concerned department, and shall hold rank not less than that of the class for which the examination is being held.

The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the General Manager, Personnel for approval. Such rating key when approved by the General Manager, Personnel shall be made available for review by participants in the examination for a period of two days. The participants may request reconsideration by the Civil Service Commission concerning only those questions or answers wherein documented claim of manifest error is made. If no requests for reconsideration are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

Respectfully submitted,

NORMAN C. ECKLUND
Director of Recruitment and Examinations

GEORGE J. GRUBB
Approved: General Manager, Personnel

NCE:JD:lt

2nd Copy

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

RELEASE

May 5, 1970

TO: All Department Heads
Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

At the regular meeting of the Civil Service Commission held April 23, 1970, the Commission had for consideration a number of requests concerning the administration of limited tenure appointments, including requests for reconsideration of a prior action of the Commission ordering that all limited tenure certifications be deemed to be temporary.

As a part of the consideration of these matters, the Commission ordered that proposed rule amendments by the staff of the Civil Service Commission be posted for three weeks to be considered for adoption by the Commission at the regular meeting to be held May 25, 1970.

The rule amendments are as follows:

Rule 47 - "Limited Tenure Appointments", Section 1 - "Procedure", first paragraph, presently reads as follows:

> "Whenever eligibles from regularly established lists are not available for appointment, the General Manager, Personnel, may qualify and certify applicants for limited tenure appointment in accordance with the provisions of Section 145.1 of the Charter, or may authorize appointing officers to qualify applicants for limited tenure appointment in accordance with the provisions of Section 145.1 of the Charter and of this rule. The term 'appointing officer', as used herein, shall mean the appointing officer or his designated representative."

It is recommended that the following language be added:

> ALL LIMITED TENURE APPOINTMENTS, WHETHER TO ENTRANCE OR PROMOTIVE POSITIONS, SHALL BE TEMPORARY AND SHALL BE LIMITED TO ONE YEAR. NO LIMITED TENURE APPOINTEE TO AN ENTRANCE POSITION SHALL SERVE UNDER SUCH APPOINTMENT UNDER ONE APPOINTING OFFICER FOR A PERIOD OF MORE THAN ONE YEAR. FURTHER LIMITED TENURE APPOINTMENT UNDER SUCH APPOINTING OFFICER WILL NOT BE AUTHORIZED UNLESS A PERIOD OF SIX MONTHS INTERVENES. IF AT THE END OF ONE YEAR OF LIMITED TENURE APPOINTMENT BY ONE EMPLOYEE, FURTHER SERVICE IN THE POSITION IS REQUIRED BY THE APPOINTING OFFICER, THEN ANOTHER PERSON SHALL BE APPOINTED TO THE POSITION IN ACCORDANCE WITH THE PROVISIONS OF THIS RULE.

The seventh paragraph of Section 1 of Rule 47, presently reads as follows:

"If the vacancy is in a promotive classification, the Civil Service Commission will authorize limited tenure appointments from designated next lower rank(s), as herein provided, and the appointing officer shall appoint the employee with the highest seniority in the department in such next lower rank(s) who meets minimum requirements of training and experience as indicated above, and who will accept such appointment."

It is recommended that the following language be added to that paragraph:

PROVIDED THAT ALL LIMITED TENURE PROMOTIVE APPOINTMENTS SHALL BE TEMPORARY AND SHALL BE LIMITED TO ONE YEAR. AT THE END OF ONE YEAR, IF FURTHER LIMITED TENURE APPOINTMENTS ARE REQUIRED, THEN THE APPOINTING OFFICER SHALL APPOINT THE EMPLOYEE WITH THE NEXT HIGHEST SENIORITY IN THE DEPARTMENT IN THE LOWER RANK OR RANKS WHO MEETS THE MINIMUM REQUIREMENTS OF TRAINING AND EXPERIENCE AND WHO WILL ACCEPT SUCH APPOINTMENT. IF IT IS CLEARLY DEMONSTRATED TO THE SATISFACTION OF THE CIVIL SERVICE COMMISSION THAT THERE ARE NO OTHER EMPLOYEES IN THE NEXT LOWER RANK OR RANKS TO BE APPOINTED TO SUCH PROMOTIVE POSITION, THEN THE CIVIL SERVICE COMMISSION MAY EXTEND THE LIMITED TENURE APPOINTMENT FOR A SECOND YEAR. IF AT THE END OF A SECOND YEAR ELIGIBLES ON A REGULARLY ESTABLISHED ELIGIBLE LIST ARE STILL NOT AVAILABLE FOR APPOINTMENT, THEN THE ABOVE PROCEDURES SHALL BE REPEATED.

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager,
Personnel

HA:kc

SAN FRANCISCO CIVIL SERVICE COMMISSION
151 City Hall

June 16, 1970

To: All Appointing Officers
Department Heads
Personnel Officers
Employees and Employee Organization Representatives

At the regular meeting of the Civil Service Commission held June 15, 1970, the Civil Service Commission ordered posted a proposed amendment to the sick leave rule as it concerns the administration of sick leave in the Fire Department.

The proposed amendments which were previously approved by the Fire Commission, subject to approval by the Civil Service Commission and the Board of Supervisors, are as follows:

SICKNESS AND DISABILITY - SECTION 3804.1

"Sick leave remaining to the credit of a member upon the effective date of his retirement for service or disability or upon the date of his death shall be disposed of as follows:

Upon Retirement - The member shall be paid in full for the unused period of accumulated sick leave provided that such payment shall be limited to a maximum of six (6) months sick leave.

Upon Death - The estate of such member shall be paid in full for the unused period of accumulated sick leave provided that such payment shall be limited to a maximum period of six (6) months sick leave.

No appointment to replace an H2 Fireman in a vacancy caused by Retirement or Death in any rank, followed by payment of compensation in lieu of Sick Leave, shall be made for the period of time equivalent to that represented by such compensation in lieu of Sick Leave.

The enactment of this section is not intended to constitute additional compensation nor be a part of the rate of pay of such member but is reimbursement for accumulated sick leave to the credit of the member and to which he would have been entitled if he had not retired or died."

For Adoption: June 22, 1970.

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager
Personnel

HA/pb

Science -
Mrs. O'Donnell

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

July 21, 1970

TO: All Appointing Officers
Department Heads
Departmental Personnel Officers
Employees and Employee Organization Representatives

SUBJECT: AMENDMENT OF RULE 36 -"PART-TIME EMPLOYMENT OR ACTIVITY IN ADDITION TO FULL-TIME CIVIL SERVICE EMPLOYMENT"

The Civil Service Commission, at its regular meeting held July 20, 1970, ordered a proposed amendment of Rule 36 - "Part-Time Employment or Activity in Addition to Full-Time Civil Service Employment" be posted for one week, to be considered for adoption on July 27, 1970.

The proposed amendment was to add a new Section 6 to Rule 36, as follows:

> SECTION 6 - GENERAL MANAGER TO ACT ON REQUESTS - THE GENERAL MANAGER, PERSONNEL, IS AUTHORIZED TO CONSIDER AND ACT ON REQUESTS FOR APPROVAL OF PART-TIME EMPLOYMENT OR ACTIVITY IN ADDITION TO FULL-TIME CIVIL SERVICE EMPLOYMENT IN ACCORDANCE WITH THE PROVISIONS AND REQUIREMENTS OF THIS RULE AND SUBJECT TO THE APPEAL PROVISIONS OF RULE 41.

The explanation for the proposed amendment is as follows:

The policies of the Civil Service Commission in relation to the approval or denial of requests to engage in part-time employment in addition to full-time Civil Service employments are well established at this time. It should no longer be necessary for the Commission to calendar and consider each individual request, or for the employee to be questioned first by a staff member and then by the Commission. It is recommended that the rule be amended so that consideration and action on such requests may be administered by the General Manager, Personnel. Such staff action, of course, would be subject to the provisions of Rule 41, which states in part that:

> "An employee who makes a petition which is denied by the General Manager, Personnel, under authority of these rules, may within 30 days thereafter appeal such decision to the Civil Service Commission, and...."

CIVIL SERVICE COMMISSION

George J. Grubb

George J. Grubb
General Manager, Personnel

GJC:ar

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

September 22, 1970

TO: All Appointing Officers
Department Heads
Departmental Personnel Officers
Employees and Employee Organization Representatives

The Civil Service Commission at its regular meeting held September 21, 1970, ordered posted for one week the following amendment to Rule 13 - "Registers of Eligibles", Section 2 - "Qualifications of Eligibles". The proposed amendment reads as follows:

"Section 2. Qualifications of Eligibles: Eligibles must continue to possess the qualifications required of applicants by Section 1 and Section 2 of Rule 2, or loss of eligibility may follow, PROVIDED, THAT THE NAME OF AN EMPLOYEE WHO HAS COMPLETED HIS PROBATIONARY PERIOD IN A PROMOTIVE CLASS AND IS AN ELIGIBLE ON ANOTHER PROMOTIVE LIST, SHALL RETAIN HIS ELIGIBILITY ON THE PROMOTIVE ELIGIBLE LIST IF THE CLASS FROM WHICH HE WAS ORIGINALLY PROMOTED WAS A NEXT LOWER RANK FOR BOTH LISTS."

CIVIL SERVICE COMMISSION

James F. Wurm

James F. Wurm
Director Management and Employee Services

For Adoption: 9-28-70

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

March 23, 1971

To: All Appointing Officers
Department Heads
Employees and Employee Organization Representatives

The Civil Service Commission at the regular meeting of March 22, 1971 ordered that proposed amendments of Rule 31 - "Leaves of Absence Without Pay", and Rule 47 - "Limited Tenure Appointments", be posted for one week, to be considered for adoption at the regular meeting to be held March 29, 1971. The purpose of the proposed rule amendments is to liberalize the period of time in which regular temporary appointees and limited tenure appointees may be absent on sick leave without pay. Rule 31 makes it possible to extend the present 10-day limitation for regular temporary appointees under certain conditions. The proposed amendment to Rule 47 makes the same conditions applicable to limited tenure appointees.

If adopted by the Commission, Rule 31 would then require approval by the Board of Supervisors.

These proposed amendments read as follows:

Rule 31 - Section 2 - Paragraph (d) -

"A temporary appointee is limited to leave not to exceed ten (10) working days in any one certification period and then only if replacement of such appointee is not required.

IN THE CASE OF SICK LEAVE, SUCH TEN (10) DAY LIMITATION MAY BE EXTENDED UPON THE APPROVAL OF THE APPOINTING OFFICER FOR SUCH PERIOD AS THE APPOINTING OFFICER WILL INDICATE THAT A REPLACEMENT IS NOT REQUIRED, BUT NOT TO EXCEED THE ORIGINAL DURATION OF EMPLOYMENT AS STATED ON THE REQUISITION."

Rule 47 - "Limited Tenure Appointments" - Section 4:

"Except for military leave or sick leave with or without pay ~~in the case of permanent limited tenure appointees~~, limited tenure appointees will not be granted formal leaves of absence. A leave of absence without pay for personal reasons shall not be approved for a period of more than two consecutive weeks. Appointing officers shall determine whether the absence of a limited tenure appointee is justified, or whether the appointment shall be terminated. If the appointment is not terminated, the appointee shall be shown on the timeroll as on personal leave without pay. Sick leave with or without pay or military leave shall be granted in accordance with the rules and procedures governing regular civil service appointees."

Harry Albert

Harry Albert, Assistant General
Manager, Personnel

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

March 30, 1971

To: All Appointing Officers
Department Heads
Departmental Personnel Officers
Employees and Employee Organization Representatives

The Civil Service Commission at its regular meeting held Monday, March 29, 1971, ordered posted for one week a proposed amendment to Rule 32 - "Sick Leave With Pay". The proposed rule amendment, if adopted by the Civil Service Commission and approved by the Board of Supervisors, would provide compensation for unused sick leave credits at the time of retirement or death in the amount of 33-1/3%. The proposed rule also includes certain requirements in order for an employee to qualify for the in lieu compensation payment.

The report to the Commission included the following explanation:

"If approved, this program should also be subject to the following qualifications:

There could be a tendency for employees to arrange their retirement prior to the mandatory date and to make it effective as of January 1 of any year in order to gain an income tax benefit. In order to discourage mass retirements on any one date, I would recommend that compensation in lieu of unused sick leave should be paid twice a year - on July 1 and January 1.

There is the possibility that in order to gain this benefit, employees would force themselves to work when, in fact, they should be on sick leave. I would recommend that a doctor's certificate be required, certifying that the employee was competent to work during the period of time prior to retirement, that the employee had available sick leave credits.

If the employee retires before his mandatory date, then the appointing officer should similarly certify that the employee had been physically competent to perform his duties."

Attached is a copy of the proposed amendment.

CIVIL SERVICE COMMISSION

George J. Grubb
General Manager, Personnel

Attachment

March 30, 1971

RULE 32 - SICK LEAVE WITH PAY.

Section 8. Retirement Automatically Terminates Leave of Absence.

EXCEPT AS OTHERWISE PROVIDED IN THIS RULE, whenever a leave of absence has been granted under this rule to any officer or employee, and such officer or employee during such leave is retired, his leave of absence shall automatically terminate on the date of his retirement.

Section 8.1 DISPOSITION OF SICK LEAVE BALANCE REMAINING AT TIME OF RETIREMENT OR DEATH.

SICK LEAVE REMAINING TO THE CREDIT OF AN EMPLOYEE UPON THE EFFECTIVE DATE OF HIS RETIREMENT FOR SERVICE OR DISABILITY OR UPON THE DATE OF HIS DEATH SHALL BE DISPOSED OF AS FOLLOWS:

UPON RETIREMENT - THE EMPLOYEE SHALL BE PAID 33-1/3% OF THE UNUSED PERIOD OF ACCUMULATED SICK LEAVE AT THE BASE RATE OF PAY EXCLUDING ANY OVERTIME OR PREMIUM RATES WHATSOEVER, AND PROVIDED THAT SUCH PAYMENT SHALL BE LIMITED TO A MAXIMUM OF SIX (6) MONTHS SICK LEAVE.

UPON DEATH - THE ESTATE OF SUCH EMPLOYEE SHALL BE PAID 33-1/3% OF THE UNUSED PERIOD OF ACCUMULATED SICK LEAVE AT THE BASE RATE OF PAY EXCLUDING ANY OVERTIME OR PREMIUM RATES WHATSOEVER, AND PROVIDED THAT SUCH PAYMENTS SHALL BE LIMITED TO A MAXIMUM OF SIX (6) MONTHS SICK LEAVE.

PAYMENT FOR UNUSED SICK LEAVE AS HEREIN PROVIDED SHALL BE FURTHER SUBJECT TO THE FOLLOWING:

a) AN EMPLOYEE MUST HAVE HAD TEN (10) YEARS OF CITY AND COUNTY SERVICE IMMEDIATELY PRIOR TO RETIREMENT OR DEATH IN ORDER TO QUALIFY FOR THE PAYMENT.

b) PAYMENT SHALL BE MADE FOR UNUSED SICK LEAVE AT THE TIME OF RETIREMENT OR DEATH, AFTER THE FIRST OF JULY OR THE FIRST OF JANUARY, TO EMPLOYEES WHOSE RETIREMENT OR DEATH OCCURRED WITHIN THE SIX (6) MONTH PERIOD IMMEDIATELY PRECEDING THOSE DATES.

c) EMPLOYEES WHO RETIRE BECAUSE OF HAVING REACHED THE MANDATORY DATE, SHALL PRESENT A DOCTOR'S CERTIFICATE THAT THEY WERE PHYSICALLY CAPABLE OF PERFORMING THEIR DUTIES DURING THAT PERIOD OF TIME REPRESENTED BY UNUSED ACCUMULATED SICK LEAVE CREDITS. IF THE EMPLOYEE RETIRES PRIOR TO THE MANDATORY DATE, THEN THE APPOINTING OFFICER SHALL SIMILARLY

March 30, 1971

CERTIFY THAT THE EMPLOYEE HAD BEEN PHYSICALLY CAPABLE OF PERFORMING HIS DUTIES DURING THE PERIOD OF TIME REPRESENTED BY UNUSED SICK LEAVE CREDITS.

THE ENACTMENT OF THIS SECTION IS NOT INTENDED TO CONSTITUTE ADDITIONAL COMPENSATION, NOR BE A PART OF THE RATE OF PAY OF THE EMPLOYEE, BUT IS REIMBURSEMENT FOR ACCUMULATED SICK LEAVE TO THE CREDIT OF THE EMPLOYEE AND TO WHICH HE WOULD HAVE BEEN ENTITLED IF HE HAD NOT RETIRED OR DIED.

CIVIL SERVICE COMMISSION

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

May 20, 1971

TO: All Appointing Officers
Department Heads
Departmental Personnel Officers
Employees and Employee Organization Representatives

The Civil Service Commission at its regular meeting held April 19, 1971 had for consideration a staff report pertaining to a proposed amendment of Rule 32 - Sick Leave With Pay. The suggested rule amendment concerned cash payment to employees for unused sick leave credits at the time of retirement or death. The rule amendment proposed by the staff was not adopted by the Commission.

Presented as alternatives for consideration of the Commission were two other plans, one by the President of the Civil Service Commission, John L. Molinari, and one by the Civil Service Association of San Francisco. After discussion it was the order of the Commission that both plans be prepared in the format of rule amendments and posted one week. Both proposals will be calendared for consideration and adoption of one of the rule amendments at the regular meeting of the Commission to be held April 26, 1971.

Amendments of the Sick Leave Rule are subject to approval by the Board of Supervisors.

Attached are copies of both proposed rule amendments.

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager,
Personnel

Attachment

April 20, 1971

PROPOSED AMENDMENT OF RULE 32 - SICK LEAVE
PRESENTED BY CIVIL SERVICE COMMISSION
PRESIDENT, JOHN L. MOLINARI

RULE 32 - SICK LEAVE WITH PAY.

Section 8. Retirement Automatically Terminates Leave of Absence.

EXCEPT AS OTHERWISE PROVIDED IN THIS RULE, whenever a leave of absence has been granted under this rule to any officer or employee, and such officer or employee during such leave is retired, his leave of absence shall automatically terminate on the date of his retirement.

New Section 8.1. DISPOSITION OF SICK LEAVE BALANCE REMAINING AT TIME OF RETIREMENT OR DEATH OR SEPARATION CAUSED BY INDUSTRIAL ACCIDENT.

SICK LEAVE REMAINING TO THE CREDIT OF AN EMPLOYEE UPON THE EFFECTIVE DATE OF HIS RETIREMENT FOR SERVICE OR DISABILITY, OR UPON THE DATE OF HIS DEATH OR UPON THE DATE OF SEPARATION CAUSED BY INDUSTRIAL ACCIDENT, SHALL BE DISPOSED OF AS FOLLOWS:

UPON RETIREMENT OR SEPARATION ON ACCOUNT OF INDUSTRIAL ACCIDENT -

THE EMPLOYEE SHALL BE PAID IN ACCORDANCE WITH THE SCHEDULE OF SERVICE REQUIREMENTS AND ALLOWANCES INDICATED BELOW FOR THE UNUSED PERIOD OF ACCUMULATED SICK LEAVE AT THE BASE RATE OF PAY EXCLUDING ANY OVERTIME OR PREMIUM RATES WHATSOEVER, AND PROVIDED THAT SUCH PAYMENTS SHALL BE LIMITED TO A MAXIMUM OF SIX (6) MONTHS SICK LEAVE.

UPON DEATH - THE ESTATE OF SUCH EMPLOYEE SHALL BE PAID IN ACCORDANCE WITH THE SCHEDULE OF SERVICE REQUIREMENTS AND ALLOWANCES INDICATED BELOW FOR THE UNUSED PERIOD OF ACCUMULATED SICK LEAVE AT THE BASE RATE OF PAY EXCLUDING ANY OVERTIME OR PREMIUM RATES WHATSOEVER, AND PROVIDED THAT SUCH PAYMENTS SHALL BE LIMITED TO A MAXIMUM OF SIX (6) MONTHS OF SICK LEAVE.

SCHEDULE OF SERVICE REQUIREMENTS AND ALLOWANCES FOR PAYMENT FOR UNUSED ACCUMULATED SICK LEAVE AT THE TIME OF RETIREMENT, SEPARATION ON ACCOUNT OF INDUSTRIAL ACCIDENT OR DEATH -

SERVICE REQUIREMENT	AMOUNT OF CASH PAYMENT
a) 15 OR MORE YEARS OF SERVICE	100%
b) MORE THAN 5 YEARS BUT LESS THAN 15 YEARS OF SERVICE	50%
c) UP TO AN INCLUDING 5 YEARS OF SERVICE	33-1/3%

PAYMENT FOR UNUSED SICK LEAVE AS HEREIN PROVIDED SHALL BE FURTHER SUBJECT TO THE FOLLOWING:

a) THE CIVIL SERVICE COMMISSION SHALL ADMINISTER THE PROVISIONS OF THIS SECTION.

b) COMPENSATION FOR UNUSED SICK LEAVE CREDITS AS HEREIN PROVIDED SHALL BE PAYABLE AT THE TIME OF RETIREMENT, SEPARATION, OR DEATH, OR AT A LATER DATE WHEN SO ELECTED BY THE EMPLOYEE, BUT WITHIN ONE YEAR OF SUCH RETIREMENT, SEPARATION OR DEATH.

c) COMPENSATION FOR UNUSED SICK LEAVE CREDITS IS TO BE BASED ON THE RATE OF PAY OF THE REGULAR PERMANENT CLASSIFICATION OF THE EMPLOYEE AT THE DATE OF RETIREMENT, SEPARATION OR DEATH.

THE ENACTMENT OF THIS SECTION IS NOT INTENDED TO CONSTITUTE ADDITIONAL COMPENSATION, NOR BE A PART OF THE RATE OF PAY OF THE EMPLOYEE, BUT IS REIMBURSEMENT FOR ACCUMULATED SICK LEAVE TO THE CREDIT OF THE EMPLOYEE AND TO WHICH HE WOULD HAVE BEEN ENTITLED IF HE HAD NOT RETIRED, SEPARATED OR DIED.

May 20, 1971

PROPOSED AMENDMENT OF RULE 32 - SICK LEAVE
PRESENTED BY THE CIVIL SERVICE ASSOCIATION OF SAN FRANCISCO

RULE 32 - SICK LEAVE WITH PAY.

Section 8. Retirement Automatically Terminates Leave of Absence.

EXCEPT AS OTHERWISE PROVIDED IN THIS RULE, whenever a leave of absence has been granted under this rule to any officer or employee, and such officer or employee during such leave is retired, his leave of absence shall automatically terminate on the date of his retirement.

New
Section 8.1 DISPOSITION OF SICK LEAVE BALANCE REMAINING AT TIME OF RETIREMENT OR DEATH OR SEPARATION CAUSED BY INDUSTRIAL ACCIDENT.

SICK LEAVE REMAINING TO THE CREDIT OF AN EMPLOYEE UPON THE EFFECTIVE DATE OF HIS RETIREMENT FOR SERVICE OR DISABILITY, OR UPON THE DATE OF HIS DEATH OR UPON THE DATE OF SEPARATION CAUSED BY INDUSTRIAL ACCIDENT, SHALL BE DISPOSED OF AS FOLLOWS:

<u>UPON RETIREMENT OR SEPARATION ON ACCOUNT OF INDUSTRIAL ACCIDENT</u> -

THE EMPLOYEE SHALL BE PAID IN ACCORDANCE WITH THE SCHEDULE OF SERVICE REQUIREMENTS AND ALLOWANCES INDICATED BELOW FOR THE UNUSED PERIOD OF ACCUMULATED SICK LEAVE AT THE BASE RATE OF PAY EXCLUDING ANY OVERTIME OR PREMIUM RATES WHATSOEVER, AND PROVIDED THAT SUCH PAYMENTS SHALL BE LIMITED TO A MAXIMUM OF SIX (6) MONTHS SICK LEAVE.

<u>UPON DEATH</u> - THE ESTATE OF SUCH EMPLOYEE SHALL BE PAID IN ACCORDANCE WITH THE SCHEDULE OF SERVICE REQUIREMENTS AND ALLOWANCES INDICATED BELOW FOR THE UNUSED PERIOD OF ACCUMULATED SICK LEAVE AT THE BASE RATE OF PAY EXCLUDING ANY OVERTIME OR PREMIUM RATES WHATSOEVER, AND PROVIDED THAT SUCH PAYMENTS SHALL BE LIMITED TO A MAXIMUM OF SIX (6) MONTHS OF SICK LEAVE.

<u>SCHEDULE OF SERVICE REQUIREMENTS AND ALLOWANCES FOR PAYMENT FOR UNUSED ACCUMULATED SICK LEAVE AT THE TIME OF RETIREMENT, SEPARATION ON ACCOUNT OF INDUSTRIAL ACCIDENT OR DEATH</u> -

SERVICE REQUIREMENT	AMOUNT OF CASH PAYMENT
a) 10 OR MORE YEARS OF SERVICE	100%
b) LESS THAN 10 YEARS OF SERVICE	50%

PAYMENT FOR UNUSED SICK LEAVE AS HEREIN PROVIDED SHALL BE FURTHER SUBJECT TO THE FOLLOWING:

a) THE CIVIL SERVICE COMMISSION SHALL ADMINISTER THE PROVISIONS OF THIS SECTION.

b) COMPENSATION FOR UNUSED SICK LEAVE CREDITS AS HEREIN PROVIDED SHALL BE PAYABLE AT THE TIME OF RETIREMENT, SEPARATION, OR DEATH, OR AT A LATER DATE WHEN SO ELECTED BY THE EMPLOYEE, BUT WITHIN ONE YEAR OF SUCH RETIREMENT, SEPARATION OR DEATH.

c) COMPENSATION FOR UNUSED SICK LEAVE CREDITS IS TO BE BASED ON THE RATE OF PAY OF THE REGULAR PERMANENT CLASSIFICATION OF THE EMPLOYEE AT THE DATE OF RETIREMENT, SEPARATION OR DEATH, PROVIDED THAT A PERMANENT LIMITED TENURE EMPLOYEE WHO HAS REGULAR PERMANENT STATUS IN ANOTHER CLASS MUST HAVE HELD SUCH LIMITED TENURE APPOINTMENT FOR SIX (6) MONTHS OR MORE.

THE ENACTMENT OF THIS SECTION IS NOT INTENDED TO CONSTITUTE ADDITIONAL COMPENSATION, NOR BE A PART OF THE RATE OF PAY OF THE EMPLOYEE, BUT IS REIMBURSEMENT FOR ACCUMULATED SICK LEAVE TO THE CREDIT OF THE EMPLOYEE AND TO WHICH HE WOULD HAVE BEEN ENTITLED IF HE HAD NOT RETIRED, SEPARATED OR DIED.

SAN FRANCISCO CIVIL SERVICE COMMISSION
151 City Hall

August 9, 1971

TO: All Department Heads
Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives
Various Community Organizations

SUBJECT: MEMORANDUM TO ALL RECIPIENTS OF DRAFT OF REVISION OF CIVIL SERVICE COMMISSION RULES DATED JULY 19, 1971.

Following are a number of editing changes in the proposed draft of the revision of the Civil Service Commission Rules presented to the Civil Service Commission for its consideration by the Rules Revision Committee on July 19, 1971. These changes will be included in the final draft when approved by the Commission.

(As a reminder, the distribution of the proposed draft was accompanied by a memorandum from John L. Molinari, President of the Commission, announcing a Special Meeting of the Commission on Wednesday, September 15, 1971 at 7:30 P.M., in Room 282, City Hall, for the purpose of hearing the comments of all interested parties on the proposed new Rules. All persons interested in making a presentation must submit to the Commission in triplicate by Friday, August 27, 1971, their written comments concerning the proposed new Rules.)

I. The following editing changes and corrections apply throughout the Rules wherever applicable.

a) When specifically referred to as the subject, the following words will be capitalized:

Rules
Classified Service
Regular Meeting (of the Civil Service Commission)
Special Meeting (of the Civil Service Commission)
Civil Service Department
Commissioners
Charter
Section ("This Section of the Rules")

b) Reference to "Charter Section _____" change to "Section ___ of the Charter".

c) Reference to "San Francisco City and County Civil Service Commission" change to "Civil Service Commission of the City and County of San Francisco".

d) Reference to "San Francisco City and County" change to "City and County of San Francisco".

e) Section numbers when indicated in the Rules, as for example, Section 10.1, change to "Section 10.01".

f) Cross reference to other rule numbers indicated, for example, as ". . . subject to appeal to the Commission as provided in Rule 5.07", change to "Rule 5, Section 5.07".

g) Reference to "the Minutes of the Commission meetings", "minutes" not capitalized.

h) Reference to numbers spelled out - add number in figures. For example, "fourth working day", change to "fourth (4) working day".

II. The following are editing corrections and changes by specific rule and section.

Page	Rule	Section	
3	2	2.03	Reference to "main office of the Commission", change to "Civil Service Department".
6	3	3.04 (e)	Reference to "department" change to "Civil Service Department".
7	3	3.04 (f)	Reference to "Commission" change to "Civil Service Department".
9	4	4.03	Reference to "posted at the office of the Commission", change to "posted on the Bulletin Board of the Commission".
10	4	4.07 (3)	Reference to "city employees", change to "City and County employees".
11	5	5.01 (2nd Para.)	Reference to "require immediate attention of the Commission", change to "require the immediate attention of the Commission".
12	5	5.06	Add to the first sentence the word "A" to read - "A request for reconsideration . . ."
13	5	5.06 (5th Para.)	Delete word "Commission" from sentence - "Denial of a reconsideration request will be noted for information purposes on the calendar of the next Regular Meeting".

Page	Rule	Section	
15	6	6.01 (1st Para.- 2nd Sentence)	Change "A notice of termination on a Civil Service Department form . . ." to "A notice of termination on the proper Civil Service Department form . . ."
22	7	7.06	Change ". . . be posted in the business office of the Civil Service Department", to ". . . be posted on the Bulletin Board of the Commission . . ."
23	8	8.01	Change "Experience gained in violation of the Commission rule . . .", to "Experience gained in violation of a Commission rule . . ."
23	8	8.01	Change reference to "Rule 21", to "Rule 26, Section 26.01 (h)".
23	8	8.03	Change ". . . will be posted on the Bulletin Board of the Civil Service Commission for a minimum period . . . as required by Charter", to ". . . posted on the Bulletin Board of the Commission for a minimum period . . . as required by the Charter".
24	8	8.05 (1st Sentence)	Change "Civil Service Department" to "Commission".
24	8	8.05 (2nd Sentence)	Change "Director of Recruitment and Examinations", to "General Manager, Personnel".
24	8	8.06	Change "Director of Recruitment and Examinations", to "General Manager, Personnel". Change last part of sentence from ". . . on the official Bulletin Board", to ". . . on the Bulletin Board of the Commission".
29	9	9.16 (3rd Para.- last sentence)	Change ". . . ruling of the General Manager, Personnel", to ". . . ruling by the General Manager, Personnel".
30	9	9.17 (3rd Para.)	Change reference to "Rule 13" to "Rule 14, Section 14.04".
33	12	12.04 (a)	Change reference to "Rule 13.3", to Rule 14, Section 14.03 and Section 14.04".

Page	Rule	Section	
34	12	12.04 (b)	Change reference to "Rule 22", to "Rule 22, Section _____". (Section number will be filled in when revision of Rule 22 finalized.)
39	14	14.04	Change reference to "Rule 15", to "Rule 15, Section 15.01".
41	15	15.01	Delete "certification office" at end of first sentence.
42	15	15.04	Change reference to "Rule 14", to "Rule 13, Section 13.03".
43	16	16.02	Change from "in accordance with Rule 16.1, prior to the expiration of the six (6) months probationary period . . .", to "Prior to the expiration of the probationary period . . ."
44	17	17.01 (b)	Change ". . . at the following Regular Meeting", to ". . . at the next Regular Meeting".
55	20	20.05 (e)	Change ". . . such lay-off shall be in accordance with the provisions of Rule 32", to ". . . shall be in accordance with the applicable provisions of Rule 32".
57	24	24.02 (b)	Change " U.S. Government", to "United States Government".
57	24	24.04	"Conscription Act" - not capitalized.
60	25	25.01	Change "Absence from duty without proper authorization for a period of five working days or less . . .", to "Absence from duty without proper authorization for any period of time up to and including five (5) working days . . ."
60	25	25.02 (1st Para. 2nd Sentence)	Change "Such resignation shall be subject to reconsideration . . .", to "Such resignation shall be subject to reconsideration by the Commission".
60	25	25.02 (2nd Para.)	Add to ". . . subject to reconsideration", to "Subject to reconsideration by the Commission".

Page	Rule	Section	
62	26	26.01 (h)	Add the following to this paragraph - "It is the responsibility of the appointing officer and of the employee involved to ascertain that temporary assignments are so reported and recorded. Temporary assignments not properly reported and recorded will not be approved by the Commission.
62 & 63	27	27.01	Change two references to ". . . the Commission or the General Manager, Personnel", to ". . . the General Manager, Personnel".
69	33	33.01	Change first sentence ". . . on the Civil Service Department form", to ". . . on the prescribed form".

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager, Personnel

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

August 17, 1971

To: All Department Heads
Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

The Civil Service Commission at its regular meeting held Monday, August 16, 1971 ordered that the following proposed amendment of Rule 21 - "Waiver of Certification", by the addition of a new Section No. 5, be posted for one week to be considered for adoption at the next regular meeting Monday, August 23, 1971.

SECTION 5. AUTOMATIC WAIVER WHEN NOT QUALIFIED FOR APPOINTMENT TO POSITIONS FUNDED UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971.

ELIGIBLES ON EXISTING LISTS THAT DO NOT MEET THE REQUIREMENTS ESTABLISHED BY THE UNITED STATES GOVERNMENT FOR APPOINTMENT TO POSITIONS FUNDED UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971, SHALL BE DEEMED TO BE AUTOMATICALLY UNDER WAIVER FOR APPOINTMENT TO SUCH POSITIONS. SUCH AUTOMATIC WAIVER SHALL NOT OTHERWISE AFFECT THE ELIGIBILITY STATUS OF THE ELIGIBLE. AN ELIGIBLE APPOINTED TO SUCH FEDERALLY FUNDED POSITION SHALL NOT BE ASSIGNED TO A REGULARLY BUDGETED POSITION FOR A PERIOD OF AT LEAST TWO YEARS UNLESS HIS STANDING ON THE ELIGIBLE LIST WOULD QUALIFY HIM FOR APPOINTMENT TO A REGULARLY BUDGETED POSITION.

The Civil Service Commission further ordered that the advice of the City Attorney be requested as to whether the Commission has authority to adopt the proposed rule amendment.

The report recommending adoption of this rule stated in part:

"The Emergency Employment Act of 1971 will make available to the City and County of San Francisco federal monies for funding a number of additional positions, many of which will be in established classifications. The United States Government, in connection with the granting of the financial assistance, has established a number of requirements in the filling of positions so funded; for example, preference must be given to Vietnam veterans, to the unemployed, and to poverty areas. In order that the federal guide lines may be adhered to, it becomes necessary to immediately amend the Civil Service rule to place an automatic waiver against eligibles on established lists who may be reached for appointment to positions created under the Emergency Employment Act, but who do not meet the federal requirements for appointment."

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager,
Personnel

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

August 31, 1971

TO: All Department Heads
Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

At the regular meeting of the Civil Service Commission held August 30, 1971, the Commission ordered the attached proposed rule amendments posted for one week, to be considered for adoption at the Special Meeting of the Commission to be held Wednesday, September 8, 1971. The report recommending the rule amendments stated in part as follows:

> "At the regular meeting of the Civil Service Commission held August 23, 1971, the Commission adopted a new Section 5 of Rule 21 - "Waiver of Certification". The purpose of the amendment was to make it possible to offer appointment to eligibles who meet the requirements of the United States Government for appointment to positions funded under the Emergency Employment Act of 1971. The Commission approved the new rule with the understanding that further rule amendments would be presented to safeguard the rights of eligibles who are placed under automatic waiver for appointment because of not meeting the federal requirements for appointment to those specially funded positions."

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager,
Personnel

Attachment

August 31, 1971

RULE 4. EXAMINATIONS.

NEW SECTION 11.2 - PROMOTIONAL EXAMINATION REQUIREMENTS FOR EMPLOYEE APPOINTED TO POSITION FUNDED UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971.

AN EMPLOYEE APPOINTED FROM A REGULAR ELIGIBLE LIST TO A POSITION FUNDED UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971, AND WHO IS OTHERWISE QUALIFIED TO PARTICIPATE IN A PROMOTIONAL EXAMINATION, MAY PARTICIPATE IN SUCH PROMOTIONAL EXAMINATION ONLY IF HE IS NEXT IN LINE FOR APPOINTMENT TO A REGULARLY BUDGETED POSITION AT THE TIME SUCH PROMOTIONAL EXAMINATION IS OPEN FOR THE RECEIPT OF APPLICATIONS, OR THE LIST FROM WHICH HE WAS APPOINTED HAS EXPIRED.

NEW SECTION 12.1a. - RATING OF SERVICE IN PROMOTIONAL EXAMINATION FOR EMPLOYEE APPOINTED TO A POSITION FUNDED UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971.

AN EMPLOYEE APPOINTED FROM A REGULAR ELIGIBLE LIST TO A POSITION FUNDED UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971, AND WHO IN ACCORDANCE WITH THE PROVISIONS OF SECTION 11.2 OF THIS RULE QUALIFIES FOR AND PARTICIPATES IN A PROMOTIONAL EXAMINATION, SHALL BE CREDITED WITH SERVICE ONLY FROM THE DATE HIS STANDING ON THE ELIGIBLE LIST WOULD HAVE QUALIFIED HIM FOR APPOINTMENT TO A REGULARLY BUDGETED POSITION, OR IF NOT SO REACHED, THEN FROM THE DATE OF EXPIRATION OF THE ELIGIBLE LIST.

RULE 26 - REDUCTION IN FORCE.

NEW SECTION 8. LAYOFF OF EMPLOYEE APPOINTED TO A POSITION FUNDED UNDER THE EMERGENCY EMPLOYMENT ACT OF 1971.

WHEN FUNDS TO CREATE POSITIONS UNDER THE E.E.A. OF 1971 ARE DISCONTINUED, EMPLOYEES APPOINTED FROM REGULAR LISTS TO SUCH SPECIALLY FUNDED POSITIONS SHALL BE LAID OFF IN ORDER OF SENIORITY OF APPOINTMENT TO SUCH POSITIONS IN THEIR DEPARTMENT; PROVIDED THAT IF AT THE TIME OF LAYOFF SUCH EMPLOYEE WOULD HAVE BEEN REACHED FOR APPOINTMENT TO A REGULAR BUDGETED POSITION, THEN SENIORITY FOR LAYOFF IN RELATION TO ALL EMPLOYEES IN THE DEPARTMENT IN THE AFFECTED CLASS SHALL BE CALCULATED FROM THE DATE THE EMPLOYEE COULD HAVE RECEIVED APPOINTMENT TO A REGULARLY BUDGETED POSITION.

THE HOLDOVER RIGHTS OF EMPLOYEES LAID OFF IN POSITIONS FUNDED UNDER THE E.E.A. OF 1971 SHALL BE ONLY TO THESE SPECIALLY FUNDED POSITIONS, UNLESS THEIR ELIGIBILITY STANDING WOULD QUALIFY THEM FOR APPOINTMENT TO A REGULAR BUDGETED POSITION, OR UNLESS THE LIST FROM WHICH THEY WERE APPOINTED HAS EXPIRED.

CIVIL SERVICE COMMISSION OF SAN FRANCISCO
151 City Hall

September 2, 1971

TO: All Department Heads
Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

At the Special Meeting of the Civil Service Commission held September 1, 1971, the Commission ordered the following proposed amendment to Rule 32 - "Sick Leave With Pay", be posted one week, to be considered for adoption at the Special Meeting of the Commission to be held Wednesday, September 8, 1971.

RULE 32 - SICK LEAVE WITH PAY.

NEW SECTION 4.1. EMPLOYEES INJURED BY ASSAULT.

ANY OFFICER OR EMPLOYEE ABSENT BECAUSE OF INJURY SUSTAINED BY REASON OF ANY ASSAULT PERPETRATED UPON HIM BY ANOTHER PERSON, SUCH ASSAULT OCCURRING WHILE THE EMPLOYEE IS ENGAGED IN THE PERFORMANCE OF HIS DUTIES, SHALL BE ENTITLED TO SICK LEAVE WITH PAY WITHOUT THE NECESSITY OF OCCUPYING A POSITION FOR ANY PERIOD OF TIME, AND SUCH SICK LEAVE SHALL NOT BE CHARGED AGAINST SICK LEAVE CREDITS AS PROVIDED IN SECTION 3.1. SUCH SICK LEAVE SHALL NOT EXCEED THE SIX (6) MONTHS MAXIMUM AUTHORIZED BY CHARTER, AND SHALL NOT BE SUPPLEMENTED BY OTHER SICK LEAVE CREDITS. SICK LEAVE GRANTED IN ACCORDANCE WITH THIS SECTION SHALL BE USED TO SUPPLEMENT DISABILITY LEAVE IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5. SICK LEAVE UNDER THIS SECTION SHALL BE SUBJECT TO APPROVAL BY THE CIVIL SERVICE COMMISSION, AND THE COMMISSION SHALL MAKE SUCH INVESTIGATION AS IT MAY DEEM NECESSARY, INCLUDING EXAMINATION BY PHYSICIANS DESIGNATED BY THE COMMISSION, TO DETERMINE THAT SICK LEAVE IS PROPERLY AUTHORIZED UNDER THIS SECTION.

CIVIL SERVICE COMMISSION

Harry Albert

Harry Albert
Assistant General Manager,
Personnel

December 2, 1976

STAFF REPORT

TO : Civil Service Commission

THROUGH : Bernard Orsi
General Manager, Personnel

FROM : James F. Wurm
Assistant General Manager, Personnel

SUBJECT : Proposed Rule Amendments to Rules 7, 8, and 9

The attached proposed amendments to the Rules are submitted to the Commission for adoption following a two week posting period to permit management, employee organizations and interested parties to review and comment.

The proposed changes (Rule 7) clarifies the authority of the appointing officer in assigning duties; (Rules 8 and 9) clarifies application procedures, examination inspection, protest and medical examination procedures.

Respectfully submitted,

James F. Wurm

James F. Wurm

THIS DOCUMENT SUPPORTS

CALENDAR ITEM: 2611-76

Section 7.03. CLASS SPECIFICATION

The class specification shall be the official record of the Position Classification Plan. The specifications, in addition to defining the duties and characteristics of the class, shall give examples of the more significant and typical duties assigned to positions in the class, the minimum requirements for applicants for positions in the class, and any other special requirements.

The class specifications shall be descriptive of the class and shall not be considered as a restriction on the assignment of duties not specifically listed. They are intended to indicate the kind of positions that should be allocated to the several classifications and shall not be construed as describing what the exact duties and responsibilities of each individual position allocated to the class shall be. THE APPOINTING OFFICER HAS THE AUTHORITY TO ASSIGN AN EMPLOYEE TO PERFORM WORK CONSISTENT WITH THE KIND OF DUTIES AND LEVEL OF RESPONSIBILITY OF THE EMPLOYEE'S CLASSIFICATION ALTHOUGH THE WORK MAY NOT BE SPECIFICALLY DESCRIBED IN THE CLASS SPECIFICATION.

Section 7.04. OFFICIAL COPY

The General Manager, Personnel, shall maintain an accurate and complete copy of the Position Classification Plan to be designated as the "Official Copy". All changes in allocation or reallocation of positions to classes, or amendments of classifications, shall be recorded in the official minutes of the Commission. The "Official Copy" of the Position Classification Plan shall be open to public inspection.

Section 7.05. ADMINISTRATION OF THE CLASSIFICATION PLAN

The General Manager, Personnel, shall make position classification studies of individual positions or groups of positions whenever ~~he~~ THE GENERAL MANAGER, PERSONNEL, deems it necessary, whenever the duties or responsibilities have undergone significant changes, or whenever new positions are to be created.

Upon request of the General Manager, Personnel, the appointing officer shall furnish detailed information relative to the duties, responsibilities or work assignments of positions under ~~his~~ HER/his jurisdiction. The appointing authority shall notify the Personnel Department promptly of significant changes in duties, responsibilities or work assignments of positions under HER/his jurisdiction.

Section 7.06. AMENDMENTS TO CLASSIFICATIONS

Amendments to the Classification Plan or changes in allocation or reallocation of positions to classifications may be made at any meeting of the Commission. All requests for such changes shall be posted on the Bulletin Board of the Commission for a period of at least one (1) week before such requests shall be acted upon by the Commission.

Section 7.07. REVIEWS AND APPEALS

Any employee, ~~his~~ representative, or appointing authority affected by any classification action may request the Commission to review such action. The request for review shall be in accordance with request for reconsideration under Rule 5, Section 5.07.

Section 7.08. EFFECT OF CLASSIFICATION CHANGES ON INCUMBENT

The allocation or reallocation of a position shall not adversely affect the rights of an occupant legally holding such a position under permanent appointment. When a position is to be reallocated from one class to a higher or lower class, or from one series to another series, such reallocation shall be effected when the position becomes vacant by reassignment or for other reason(s). Pending such reallocation, the incumbent shall continue in the position.

~~If the~~ AN employee WHO gains eligibility in the class to which the position is to be allocated ~~he~~ may receive an appointment thereto in accordance with the Rules governing appointments.

Whenever the title of the class changes without a change in duties or responsibilities, the incumbent shall have the same status in the new class as ~~he had~~ in the old class.

RULE 8

APPLICATIONS AND NOTICE OF EXAMINATIONS

Section 8.01. QUALIFICATIONS OF APPLICANTS

Every applicant for entrance or promotional examination must possess and maintain the qualifications required by law and by the announcement of the examination for which ~~he applies~~ APPLIED. Experience gained in violation of a Commission Rule will not be recognized. It is the responsibility of the appointing officer and of the employee to have experience outside of classification recorded in accordance with Rule 26, Section 26.01(h).

Except with permission of the General Manager, Personnel, no employee may participate in an entrance examination carrying a lower salary schedule than that of HER/his current class. NO EMPLOYEE MAY PARTICIPATE IN AN EXAMINATION FOR A CLASS IN WHICH SHE/HE HAS CURRENT PERMANENT APPOINTMENT STATUS EXCEPT WITH THE APPROVAL OF THE GENERAL MANAGER, PERSONNEL.

Section 8.02. TIME FOR FILING

An applicant is a person who has filed an application for examination within the time limits specified in the announcement of the examination for which ~~he applies~~ THE APPLICANT APPLIED. Verification shall be the official time receipt of the Personnel Department or postmark. Examination announcements shall ~~only~~ NOT be distributed ~~during the period that applications may be filed~~ AFTER THE END OF THE FILING PERIOD.

Section 8.03. NOTICE OF EXAMINATIONS

Official notice of examinations will be posted on the Bulletin Board of the Commission. Notice of promotional examinations will be posted for a minimum period of ten (10) calendar days as required by the Charter. ~~Request(s) for notice of dates, when applications may be filed, must be made on Personnel Department forms. Mailing of the form to the inquirer at the time the examination announcement is posted shall be at the inquirer's risk. A separate request must be made for each classification.~~ REQUEST(S) FOR NOTICE OF FILING DATES FOR ENTRANCE EXAMINATIONS MAY BE FILED IN THE PERSONNEL DEPARTMENT. NOTIFICATION CARDS SHALL BE MAILED AT THE INQUIRER'S RISK.

Section 9.05. OFFICIAL TIME PERIODS (Formerly Section 9.03)

Examination announcements shall set forth time limits for determination of the qualifications of applicants.

Section 9.06. PROMOTIONAL APPLICANTS (Formerly Section 9.04)

Applicants for promotional examinations must meet the requirements of the examination announcement under which they apply, including completion of probationary period and current status in a next lower rank classification. Current status in a next lower rank classification shall also include persons:

1) On authorized leave of absence.

2) With PERMANENT holdover rights who have been employed in the class within A one (1) year period preceding the beginning date of examination.

3) Serving a probationary period in a different class but who were last employed in a next lower rank class. FOLLOWING COMPLETION OF THE PROBATIONARY PERIOD, THE GENERAL MANAGER, PERSONNEL, SHALL DETERMINE WHETHER THE CURRENT POSITION AND THE CLASSIFICATION EXAMINED FOR ARE SUFFICIENTLY RELATED TO WARRANT CONTINUATION OF ELIGIBILITY.

4) ~~A~~ WHO AS ~~transferee~~ TRANSFEREES ~~while~~ ARE serving A probationary period. ~~If successful, he shall be entitled to an offer of~~ Appointment SHALL BE OFFERED in accordance with ~~his~~ eligibility without regard to ~~his~~ probationary status.

5) ~~An employee~~ Serving probationary appointment but ~~who had~~ HAVING an earlier date of certification because of having been reached while in the military service. Appointment from the promotional list shall not be offered prior to satisfactory completion of the probationary period.

Section 9.07. MEANS OF IDENTIFICATION

~~Any competitor in a written examination who places any identifiable mark upon his examination papers shall have his papers cancelled.~~

~~The Identification Sheet completed and sealed by the candidate provides the sole identification of the examination papers. Identification Sheets of passing candidates may not be opened until all ratings and the passing mark are final.~~

THE GENERAL MANAGER, PERSONNEL, SHALL DETERMINE THE METHOD OF CANDIDATE IDENTIFICATION TO BE USED IN WRITTEN AND PERFORMANCE EXAMINATIONS.

WHEN THE SEALED IDENTIFICATION METHOD IS USED, CANDIDATES ARE PROHIBITED FROM MAKING IDENTIFYING MARKS ON THEIR EXAMINATION PAPERS. THE EXAMINATION PAPERS OF A CANDIDATE WHO MAKES IDENTIFYING MARKS MAY BE CANCELLED. SEALED IDENTIFICATION SHEETS OF SUCCESSFUL CANDIDATES MAY NOT BE OPENED UNTIL ALL RATINGS AND THE PASSING MARK ARE FINAL.

WHERE A NUMBER OF CANDIDATES HAVE COMPETED IN TWO OR MORE EXAMINATIONS IN A SERIES, AND AT LEAST ONE CANDIDATE HAS PASSED ONE AND FAILED ONE OF THE EXAMINATIONS, THE IDENTIFICATION SHEETS OF THE CANDIDATES WHO HAVE FAILED ONE EXAM MAY BE OPENED PRIOR TO THE QUALIFICATIONS APPRAISAL INTERVIEW BUT ONLY FOR THE PURPOSE OF DETERMINING WHICH CANDIDATES SHOULD PARTICIPATE IN THE QUALIFICATIONS APPRAISAL INTERVIEW. UNDER NO CIRCUMSTANCE MAY THE SCORE ON THE EXAMINATION PASSED BE DIVULGED BY THE PERSONNEL DEPARTMENT PRIOR TO THE POSTING OF THE TENTATIVE ELIGIBLE LIST.

Section 9.08. UNAUTHORIZED MATERIAL

Any applicant cheating or attempting to cheat in any phase of the examination process shall be eliminated from the examination and thereafter may be ineligible for future employment. Cheating shall include the use or attempted use of material not authorized by the notice to report for examination.

Section 9.09. COPYING OF EXAMINATION QUESTIONS

The copying of examination questions or the making of notes or outlines regarding an examination is prohibited. ~~except notations checking the accuracy of the scoring.~~

Section 9.10. RATING KEYS

The examination booklet IN EXAMINATIONS NOT EXEMPTED FROM INSPECTION PRIVILEGES shall provide the time period wherein participants in an examination may review the rating key to be used for scoring. Participants in an examination shall be allowed only one review of the rating key unless otherwise ordered by the General Manager, Personnel. No changes in the rating key shall be made after the identification sheets of any participants have been opened.

Inspection of the rating key is for the purpose of correcting errors in the key or ~~to determine~~ DETERMINING if any of the questions asked are ambiguous or incorrectly phrased. Protests concerning the rating key must be filled out in the inspection room on forms supplied by the Commission. Petitions must include substantiating data or authoritative references. If any protests have been filed, an additional period for review of protests and submission of counter protests will be provided.

Section 9.11. RATING KEYS - CONTINUOUS EXAMINATIONS

Inspection privileges shall not apply to ~~these examinations which have have been declared by the Commission as continuous~~ QUESTIONS AND ANSWERS ON ANY CONTINUOUS OR STANDARDIZED ENTRANCE OR CONCURRENT ENTRANCE AND PROMOTIVE WRITTEN EXAMINATION. THIS INCLUDES EXAMINATIONS UNDER THE CONTINUOUS TESTING PROGRAM.

~~No examination may be declared continuous for a period exceeding one (1) year; however, nothing herein shall prohibit the Commission from extending this period. Following the adoption of the rating key and validation of the test, the passing mark shall be stated on the examination announcement and the key answers shall not be subject to inspection and appeal procedures.~~

The General Manager, Personnel, may order obsolete or erroneous questions deleted from any examination ~~which has been declared continuous~~ EXEMPTED BY THIS RULE FROM INSPECTION PRIVILEGES.

Section 9.12. INSPECTION OF RATING KEYS BY REVIEW COMMITTEE

Notwithstanding any other provision of these rules, the examination announcement may provide for review of questions and answers thereto by a review committee in those examinations wherein large numbers of protests on key answers might be anticipated on the basis of past experience, or there is an immediate need for appointees in the classification involved. Such review committee shall be composed of three or more persons, expert in the field of subject matter covered by the examination. For examinations in the uniformed classifications in the Police and Fire Departments, or other uniformed forces, the members of the Committee shall be appointed by the General Manager, Personnel, from among a panel of five officers submitted by the appointing officer of the concerned department, and shall hold rank not less than that of the class for which the examination is being held.

The review of the rating key shall begin simultaneously with the holding of the examination and shall be completed in one session. The recommendations of the review committee with respect to questions or answers which they believe to be ambiguous, incorrect, or improper shall be submitted to the General Manager, Personnel, for approval. Such rating key when approved by the General Manager, Personnel, shall be made available for review by participants in the examination for a period of two days. The time allowed for such review may be extended if in the judgment of the General Manager, Personnel, the number of applicants warrants. The participants may ~~request reconsideration~~ APPEAL ~~by~~ TO the Civil Service Commission concerning only those questions or answers wherein documented claim of ~~manifest~~ SIGNIFICANT error is made. IF ANY APPEALS HAVE BEEN FILED, AN ADDITIONAL PERIOD FOR SUBMISSION OF COUNTER ARGUMENTS WILL BE PROVIDED. If no ~~requests for reconsideration~~ APPEALS are submitted, the approved rating key shall be the official rating key to be used for scoring the examination.

Section 9.13. EXAMINATION PASSING MARK (New Section)

FOR EACH EXAMINATION, THE GENERAL MANAGER, PERSONNEL, SHALL ESTABLISH A PASSING MARK OR SHALL DETERMINE THE TOTAL NUMBER OF PERSONS TO BE INCLUDED ON THE LIST OF ELIGIBLES BASED ON THE NEEDS OF THE SERVICE.

NO CHANGES IN THE PASSING MARK SHALL BE MADE AFTER THE IDENTIFICATION SHEETS HAVE BEEN OPENED.

Section 9.14. INSPECTION OF PAPERS BY UNSUCCESSFUL CANDIDATES

Where there are remaining parts of an examination, AND WHERE THE EXAMINATION IS NOT EXEMPTED FROM INSPECTION UNDER SECTION 9.11, unsuccessful candidates may inspect their papers during a two (2) day period specified by the notice informing them of their scores. Such inspection shall be for the sole purpose of determining that the scoring has been accurate.

Section 9.16. QUALIFICATIONS APPRAISAL INTERVIEW. PROCEDURES AND APPEALS ON QUALIFICATIONS APPRAISAL INTERVIEWS

A. Procedures and Practices

1. The orientation of the qualifications appraisal board may include a presentation by the department head or ~~his~~ DEPARTMENTAL representative which includes a description of the classification for which the examination is being held, the setting of the class in ~~his~~ THE department, the critical elements of personal characteristics needed by employees in this class, and related information. The department head or ~~his~~ representative shall not discuss any candidate with any member or members of the qualifications appraisal board at this time or any other time prior to the completion of the examination.

~~2. No fraternal rings, organization pins, or insignia of any kind shall be displayed by the board members in any qualifications appraisal interview nor shall such rings, pins, or insignia be worn by any candidate who appears before such a board.~~

~~3. Employees of the Personnel Department staff shall not serve on qualifications appraisal boards for any examination if one or more of the candidates is related to the staff member or if any strong personal associations exist between one or more candidates and the staff member so that it would be difficult to make an impartial rating.~~

2. No candidate shall discuss HER/his candidacy or any relationship thereto with the qualifications appraisal board members prior to the completion of all parts of the examination(s) and the final adoption of the list(s) of eligibles resulting therefrom.

3. No letters of reference or recommendation shall be presented to the qualifications appraisal board.

4. In all qualifications appraisal interviews the same standards shall apply to all candidates who appear for the same classification.

5. The minimum passing or qualifying rating must be related to a classification, not to a single position within a multiple position classification.

6. No applicant for public employment shall be questioned as to ~~his~~ political views, religious beliefs, labor affiliations, or racial extraction.

7. ~~All qualifications appraisal interviews shall be recorded whenever practical and such recordings shall be retained only until all ratings become final and any timely litigation based thereon has been finally resolved.~~ RECORDINGS OF QUALIFICATIONS APPRAISAL INTERVIEWS SHALL BE RETAINED ONLY UNTIL ALL RATINGS BECOME FINAL AND ANY TIMELY LITIGATION BASED THEREON HAS BEEN RESOLVED. A defective recording shall not invalidate the interview unless the Civil Service Commission finds the omitted or unintelligible material critically relevant to the case in which event the Civil Service Commission may authorize a second interview, or order a new examination.

8. In the event of any challenge of an examiner or of any ratings in qualifications appraisal interviews all other candidates whose standings in the examination may be affected shall be notified of the challenge.

B. Challenge of Board Members

1. A board member may, ~~if he wishes~~, excuse HERSELF/himself from rating any candidate when in the judgment of the board member it would be difficult for him to rate the candidate impartially. If possible, the excused board member shall be replaced by an alternate with the same qualifications.

2. Any challenge as to personal bias or competence of a person serving as an examiner in a qualifications appraisal interview based upon prior knowledge of or acquaintance with a board member shall be made by a candidate to the ~~Director~~ DIVISION MANAGER, PERSONNEL of Recruitment and Examinations or ~~his~~ AUTHORIZED representative immediately prior to ~~his~~ participation in this phase of the examination. The candidate shall then proceed with ~~his participation in~~ the interview. If such a challenge is sustained by action of the Civil Service Commission FOLLOWING DENIAL BY THE GENERAL MANAGER, PERSONNEL, the rating by the challenged person shall not be computed in the final rating of the candidate and the rating of the candidate shall be that of the unchallenged members of the examining board. If more than one half of the board members are successfully challenged, the the Civil Service Commission shall cancel this session and a new board shall be constituted, unless more than one panel of examiners has been convened for the examination, in which case, the candidate shall be examined by an alternate panel of equal number.

3. Any appeal of challenge of the conduct of the qualifications appraisal board based on a claim of bias, malfeasance, or misfeasance of board members must be made in writing and presented to the ~~Director~~ DIVISION MANAGER, PERSONNEL of Recruitment and Examinations or ~~his~~ AUTHORIZED representative not later than the second business day on which the qualifications appraisal interview was held. CHALLENGES BASED ON BIAS, MALFEASANCE, OR MISFEASANCE NOT FILED IN THIS TWO-DAY PERIOD CANNOT BE CONSIDERED. ~~The Civil Service Commission will consider only challenges against board members claiming bias, malfeasance or misfeasance.~~ Such challenges must state the grounds upon which the challenge is based. Failure to state the specific grounds for the challenge shall nullify the challenge. All challenges properly filed under this section shall be ~~finally~~ resolved IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5.06 OF THESE RULES before the identification sheets of those admitted to the oral examination are opened and ~~final computation of the total~~ scores of the participants are known.

4. The Civil Service Commission in acting on a challenge or appeal on the conduct of the board shall consider only the applications, records, questions and answers which constitute the record of the qualifications appraisal interview. IT WILL REVIEW PROTESTS ONLY WHEN THE CANDIDATE PRESENTS EVIDENCE THAT CLEARLY SUBSTANTIATES A CHARGE OF BIAS, MALFEASANCE OR MISFEASANCE.

5. The decision of the Civil Service Commission on this subject will be final.

6. In the absence of a challenge under this section or upon a decision by the Civil Service Commission under this section, later challenges shall be precluded.

C. Inspection of Ratings in Qualifications Appraisal Interviews by Participants

1. After the qualifications appraisal interviews for an examination are computed, such composite ratings shall be available for a minimum period of two working days following the completion of the computations for all participants or for some other two day period set by the General Manager, Personnel, provided that the candidates are advised of the dates, during which period each participant may inspect ~~his~~ THEIR own ratings, provided that the identity of the examiner giving any mark or grade in an oral test shall not be disclosed. A summary of the reasons for failing qualifications appraisal interviews shall be provided for inspection by the failing candidates.

2. Any challenges shall be filed in writing within the inspection period and shall be limited to a) claimed inconsistencies or failure of the qualifications appraisal board to apply uniform standards ~~with due regard for qualitative judgments as to education and experience of all participants~~, b) any questions propounded by the panel of examiners which occur during a qualifications appraisal interview which require an answer in conflict with any federal, state, or city and county laws, rules or regulations which apply to the government of the City and County of San Francisco or the official policies of the City and County of San Francisco and/or the San Francisco Civil Service Commission ~~shall be grounds for challenge. Such~~ ALL challenges ~~shall be reviewed by the staff of the Personnel Department and a written report made to the Civil Service Commission as to whether the same standards were applied to all participants~~ PROPERLY FILED UNDER THIS SECTION SHALL BE RESOLVED IN ACCORDANCE WITH THE PROVISIONS OF SECTION 5.06 OF THESE RULES.

The Civil Service Commission shall ~~review the~~ NOT CONSIDER challenges ~~and the report thereon and shall determine the final rating to be assigned to the protestant provided that~~ MERELY BECAUSE A CANDIDATE BELIEVES SHE/HE IS ENTITLED TO A HIGHER SCORE. THE COMMISSION WILL NOT SUBSTITUTE ITS JUDGMENT FOR THE JUDGMENT OF THE QUALIFICATIONS APPRAISAL INTERVIEWERS. Ratings by a qualifications appraisal board of less than THE ~~70%~~ MINIMUM PASSING SCORE shall not be raised to more than THE MINIMUM PASSING SCORE. ~~70% unless it is determined that misfeasance or malfeasance has caused the rejection of the candidate.~~

3. No evidence or documents supportive of qualifications shall be presented to the Civil Service Commission which was not presented to the qualifications appraisal board unless the candidate was denied the opportunity to do so.

Section 9.16 (D) 4. - (language from old Civil Service Rules)

4. The decision of the Civil Service Commission on this subject will be final.

5. In the absence of a challenge under this section or upon a decision by the Civil Service Commission under this section, later challenges shall be precluded.

Section 9.17. APPOINTMENT OF EXAMINING PHYSICIANS

Examining physicians and physician specialists shall be appointed by the General Manager, Personnel, subject to approval by the Commission. Such appointments shall be for a term of one (1) year ~~commending~~ COMMENCING July 1. Nothing herein shall prohibit the renewal of such appointment, ~~as provided above, from year to year or from~~ THE filling ~~any~~ OF vacancies which may occur during a term.

The qualifications of examining physicians and physician specialists shall be subject to review by the General Manager, Personnel and the Commission prior to their appointment or reappointment.

Emergency appointment of a physician or physician specialist may be made by the General Manager, Personnel, for a period not to exceed seven (7) days.

Section 9.18. ~~MEDICAL EXAMINATIONS~~

~~An eligible shall, before certification for permanent appointment, be required to pass a medical examination before a physician designated for such purpose by the Commission. Eligibles for positions other than these in the uniformed force of the Fire and Police Departments, who have passed such medical examination, need not be subject to further medical examination for a period of six (6) months if within that time they are reached for other positions where the medical standards are not higher.~~

~~Eligibles who fail to pass the medical examination shall be rejected and such rejection shall apply to any other eligible list upon which such eligible may have standing, unless the medical standards pertaining to the lists in question vary, unless otherwise ordered by the General Manager, Personnel. Eligibles for permanent appointment who have been rejected in the medical examination shall also be rejected for temporary appointment unless otherwise ordered by the General Manager, Personnel. The name of an eligible who is found to have a disqualifying medical defect that is not correctable may be removed from the eligible list.~~

Section 9.18. MEDICAL EXAMINATIONS

AN APPOINTEE TO A POSITION SHALL BE REQUIRED TO MEET ACCEPTABLE MEDICAL STANDARDS WHICH MAY INCLUDE PASSING A MEDICAL EXAMINATION BEFORE A PHYSICIAN DESIGNATED FOR SUCH PURPOSE BY THE COMMISSION. APPOINTEES TO POSITIONS OTHER THAN THOSE IN THE UNIFORMED FORCE OF THE FIRE AND POLICE DEPARTMENTS, WHO HAVE PASSED A MEDICAL EXAMINATION, NEED NOT BE SUBJECT TO FURTHER MEDICAL EXAMINATION FOR A PERIOD OF SIX (6) MONTHS IF WITHIN THAT TIME THEY ARE APPOINTED TO ANOTHER POSITION WHERE THE MEDICAL STANDARDS ARE THE SAME.

APPOINTEES WHO FAIL TO PASS THE MEDICAL EXAMINATION SHALL BE REJECTED AND THE REJECTION SHALL APPLY TO ANY OTHER POSITION UNLESS THE MEDICAL STANDARDS PERTAINING TO THE POSITION IN QUESTION ARE DIFFERENT OR UNLESS OTHERWISE ORDERED BY THE GENERAL MANAGER, PERSONNEL. ANY APPOINTEE WHO HAS BEEN MEDICALLY REJECTED MAY PRESENT IN WRITING MEDICAL EVIDENCE THAT THE CONDITION LEADING TO REJECTION HAS BEEN CORRECTED, NO LONGER EXISTS, OR DID NOT IN FACT EXIST, AND MAY APPLY TO THE GENERAL MANAGER, PERSONNEL, FOR MEDICAL RE-EXAMINATION.

THE GENERAL MANAGER, PERSONNEL, UPON THE ADVICE OF THE MEDICAL EXAMINERS, IS AUTHORIZED TO APPOINT PERSONS WITH MEDICALLY DISQUALIFYING CONDITIONS THAT ARE SUBJECT TO CORRECTION WITHIN A REASONABLE TIME PERIOD, AND ORDER THAT THE EMPLOYMENT OF SUCH PERSONS BE SUBJECT TO PASSING ALL MEDICAL REQUIREMENTS WITHIN FIVE (5) MONTHS OF THE DATE OF THE FIRST MEDICAL OR LESS TIME, IF CONDITIONS WARRANT. REQUESTS FOR APPEAL OF A RULING BY THE GENERAL MANAGER, PERSONNEL, WILL BE HEARD BY THE COMMISSION ONLY IF FILED IN WRITING BY NOON OF THE FOURTH (4) CALENDAR DAY FOLLOWING THE MAILING DATE OF THE NOTIFICATION TO THE APPOINTEE.

Section 9.19. ~~MEDICAL EXAMINATIONS - TEMPORARY APPOINTMENTS~~

~~Appointees to temporary positions whose duration exceeds a period of three (3) months shall be required to pass a medical examination subject to the conditions set forth above.~~

~~The General Manager, Personnel, may also require that any eligible for temporary or seasonal appointments shall, before certification for employment, pass a medical examination or present a doctor's certificate showing that they are physically qualified.~~

~~An eligible who inexcusably fails to complete a required medical examination, or fails to follow established procedures in reporting for medical examinations, will be placed under waiver on all eligibility lists. Such waivers, if they are first waivers of appointment, shall not be removed except with the special permission of the General Manager, Personnel. Waivers which constitute a second waiver of permanent appointment shall cause the removal of the name from the eligible list in accordance with the provisions of Rule 14, Sections 14.03 and 14.04.~~

~~An eligible, after having been medically rejected, may present in writing medical evidence that the condition leading to rejection has been corrected, no longer exists, or did not in fact exist and may apply to the General Manager, Personnel, for medical re-examination, as appropriate.~~

Section 9.19. MEDICAL EXAMINATIONS - ELIGIBLES

ELIGIBLES FOR PERMANENT APPOINTMENT WHO HAVE BEEN REJECTED IN THE MEDICAL EXAMINATION SHALL ALSO BE REJECTED FOR TEMPORARY APPOINTMENT UNLESS OTHERWISE ORDERED BY THE GENERAL MANAGER, PERSONNEL. THE NAME OF AN ELIGIBLE WHO IS FOUND TO HAVE A DISQUALIFYING MEDICAL DEFECT THAT IS NOT CORRECTABLE MAY BE REMOVED FROM THE ELIGIBLE LIST.

AN ELIGIBLE WHO INEXCUSABLY FAILS TO COMPLETE A REQUIRED MEDICAL EXAMINATION OR FAILS TO FOLLOW ESTABLISHED PROCEDURES IN REPORTING FOR MEDICAL EXAMINATIONS, WILL BE PLACED UNDER WAIVER ON ALL ELIGIBILITY LISTS. IF THE WAIVER IS A FIRST WAIVER OF APPOINTMENT, IT SHALL NOT BE REMOVED EXCEPT WITH THE SPECIAL PERMISSION OF THE GENERAL MANAGER, PERSONNEL. A SECOND WAIVER OF PERMANENT APPOINTMENT SHALL REMOVE THE NAME FROM THE ELIGIBLE LIST IN ACCORDANCE WITH THE PROVISIONS OF RULE 14, SECTIONS 14.03 AND 14.04.

Proposed Amendment to Civil Service Rules

Rule 1.03 Affirmative Action Plan

a) Policy

It is the policy of the Civil Service Commission of the City and County of San Francisco that the doors of opportunity be maintained wide open to women and minorities in or seeking employment to the Service, that selection of employees to positions within the Service be made on the basis of merit in a racially and politically neutral way, and that continuing programs be maintained to afford equal opportunities to women and minority persons to achieve meaningful employment at all levels.

Vigorous enforcement of the laws against discrimination shall be carried out at every level of each department toward the end that all persons, regardless of race, color, religion, sex, or national origin, shall have equal access to positions in the Service, limited only by their ability to do the job.

No person in the Classified Service or seeking admission thereto, shall be appointed, reduced, removed or in any way favored or discriminated against in employment or opportunity for employment because of race, color, sex, sexual orientation, political affiliation, age, religion or national origin.

b) Analysis of the Work Force

Each department shall maintain confidential records of its work force composition by race, sex, ethnicity and classification. These records shall also reflect new employments, promotions, transfers, voluntary and involuntary separations, and shall be reported to the Commission, Federal and State agencies upon request.

From the foregoing records, the Civil Service Commission staff shall annually prepare and report to the Commission an analysis of the work force in each department to determine whether percentages of sex, race or ethnic groups in individual job classifications are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job-related qualifications.

Whenever such analysis discloses substantial disparities within individual classifications, each element of the overall selection process shall be examined to determine which, if any, elements operate to exclude persons on the basis of sex, race or ethnic group. Such elements shall include but are not limited to, recruitment, testing, ranking, certification and interviewing. The examination of each element of the selection process shall at a minimum include a determination of its validity in predicting job performances.

c) Affirmative Steps to Remedy Exclusionary Effects

Where the Commission has reason to believe that its selection procedures have had an exclusionary effect described in the preceding paragraph, the Commission shall initiate affirmative steps to remedy the situation, including the following:

1. The establishment of a long-term goal, and short-range, interim goals and timetables for the specific job classifications, all of which shall take into account the availability of basically qualified persons in the relevant job market;

2. Outreach recruitment designed to attract qualified members of the group in question;

3. Job restructuring efforts to organize work and re-design jobs in ways that provide opportunities for persons lacking "journeyman" level knowledge or skills to enter, and, with appropriate training, to progress in a career field;

4. Revamping of selection instruments or procedures which have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;

5. The initiation of measures designed to assure that members of the affected groups who are qualified to perform the job are included within the pool of persons from which the department head makes the selection;

6. Efforts, within budgetary limitations, to provide career advancement training, both classroom and on-the-job, to employees locked into dead-end jobs.

d) Dissemination of Affirmative Action Plan

Copies of the foregoing affirmative action plan shall be available in each City Department. Internal distribution shall be the responsibility of each departmental appointing officer. Oral appraisal boards which shall include minority and female representatives shall be given written copies of the foregoing affirmative action plan well in advance of Board interview sessions.

e) Monitoring and Evaluation

The Human Rights Commission of the City and County of San Francisco shall quarterly review the compliance status of the Civil Service Commission in regard to this rule and shall quarterly report

its findings and recommendations to the COmmissioners of the Civil Service Commission and to the Mayor. Upon request of the Human Rights Commission, the staff of the Civil Service Commission shall fully disclose all such books, records, documents and other information as the Human Rights Commission shall deem relevant to the monitoring and evaluation function herein described. Upon request, the General Manager, Personnel, or his designee, shall appear and give testimony before the Human Rights Commission with respect to the Civil Service Commission's compliance with any of the provisions of this Rule.

f) Discrimination Complaints

Any person employed by the City and County of San Francisco may file a complaint alleging discrimination as a result of any employment selection procedure by forwarding said complaint to the General Manager, Personnel of the Civil Service Commission. The complainant shall file a signed complaint in writing, specifying those facts and reasons which support the charges. Copies of all such complaints shall immediately be forwarded to the Human Rights Commission and to each member of the Civil Service Commission. Within thirty business days of the receipt of a written complaint, the Human Rights Commission, each member of the Civil Service Commission and the complainant shall receive a written report of the findings of the investigation of the Commission staff. Within forty-five days of the receipt of the written complaint, the Civil Service Commission shall hear the matter.

This section is not intended to preclude an individual's right to file the same or similar complaints with appropriate regulatory agencies, or litigate for relief.

All departments shall maintain regular files detailing the facts of complaints received, and subsequent resolution.

EQUAL EMPLOYMENT OPPORTUNITY COORDINATING COUNCIL

AFFIRMATIVE ACTION PROGRAMS FOR STATE AND LOCAL GOVERNMENT AGENCIES

Policy Statement

The Equal Employment Opportunity Coordinating Council was established by Act of Congress in 1972, and charged with responsibility for developing and implementing agreements and policies designed, among other things, to eliminate conflict and inconsistency among the agencies of the Federal government responsible for administering Federal law prohibiting discrimination on grounds of race, color, sex, religion, and national origin. This statement is issued as an initial response to the requests of a number of State and local officials for clarification of the Government's policies concerning the role of affirmative action in the overall equal employment opportunity program. While the Coordinating Council's adoption of this statement expresses only the views of the signatory agencies concerning this important subject, the principles set forth below should serve as policy guidance for other Federal agencies as well.

1. Equal employment opportunity is the law of the land. In the public sector of our society this means that all persons, regardless of race, color, religion, sex, or national origin shall have equal access to positions in the public service limited only by their ability to do the job. There is ample evidence in all sectors of our society that such equal access frequently has been denied to members of certain groups because of their sex, racial, or ethnic characteristics. The remedy for such past and present discrimination is twofold.

On the one hand, vigorous enforcement of the laws against discrimination is essential. But equally, and perhaps even more important, are affirmative, voluntary efforts on the part of public employers to assure that positions in the public service are genuinely and equally accessible to qualified persons, without regard to their sex, racial or ethnic characteristics. Without such efforts equal employment opportunity is no more than a wish. The importance of voluntary affirmative action on the part of employers is underscored by Title VII of the Civil Rights Act of 1964, Executive Order 11246, and related laws and regulations—all of which emphasize voluntary action to achieve equal employment opportunity.

As with most management objectives, a systematic plan based on sound organizational analysis and problem identification is crucial to the accomplishment of affirmative action objectives. For this reason, the Council urges all State and local governments to develop and implement results oriented affirmative action plans which deal with the problems so identified.

The following paragraphs are intended to assist State and local governments by illustrating the kinds of analyses and activities which may be appropriate for a public employer's voluntary affirmative action plan. This statement does not address remedies imposed after a finding of unlawful discrimination.

2. Voluntary affirmative action to assure equal employment opportunity is appropriate at any stage of the employment process. The first step in the construction of any affirmative action plan should be an analysis of the employer's work force to determine whether percentages of sex, race or ethnic groups in individual job classifications are substantially similar to the percentages of those groups available in the work force in the relevant job market who possess the basic job related qualifications.

When substantial disparities are found through such analyses, each element of the overall selection process should be examined to determine which elements operate to exclude persons on the basis of sex, race, or ethnic group. Such elements include, but are not limited to, recruitment, testing, ranking, certification, interview, recommendations for selection, hiring, promotion, etc. The examination of each element of the selection process should at a minimum include a determination of its validity in predicting job performance.

3. When an employer has reason to believe that its selection procedures have the exclusionary effect described in paragraph 2 above, it should initiate affirmative steps to remedy the situation. Such steps, which in design and execution may be race, color, sex or ethnic "conscious," include, but are not limited to, the following:

The establishment of a long term goal, and short range, interim goals and timetables for the specific job classifications, all of which should take into account the availability of basically qualified persons in the relevant job market;

A recruitment program designed to attract qualified members of the group in question;

A systematic effort to organize work and re-design jobs in ways that provide opportunities for persons lacking "journeyman" level knowledge or skills to enter and, with appropriate training, to progress in a career field;

Revamping selection instruments or procedures which have not yet been validated in order to reduce or eliminate exclusionary effects on particular groups in particular job classifications;

The initiation of measures designed to assure that members of the affected group who are qualified to perform the job are included within the pool of persons from which the selecting official makes the selection;

A systematic effort to provide career advancement training, both classroom and on-the-job, to employees locked into dead end jobs; and

The establishment of a system for regularly monitoring the effectiveness of the particular affirmative action program, and procedures for making timely adjustments in this program where effectiveness is not demonstrated.

AFFIRMATIVE ACTION PROGRAMS FOR STATE AND LOCAL GOVERNMENT AGENCIES

4. The goal of any affirmative action plan should be achievement of genuine equal employment opportunity for all qualified persons. Selection under such plans should be based upon the ability of the applicant(s) to do the work. Such plans should not require the selection of the unqualified, or the unneeded, nor should they require the selection of persons on the basis of race, color, sex, religion or national origin. Moreover, while the Council believes that this statement should serve to assist State and local employers, as well as Federal agencies, it recognizes that affirmative action cannot be viewed as a standardized program which must be accomplished in the same way at all times in all places.

Accordingly, the Council has not attempted to set forth here either the minimum or maximum voluntary steps that employers may take to deal with their respective situations. Rather, the Council recognizes that under applicable authorities, State and local employers have flexibility to formulate affirmative action plans that are best suited to their particular situations. In this manner, the Council believes that affirmative action programs will best serve the goal of equal employment opportunity.

Respectfully submitted,

HAROLD R. TYLER, Jr.,
Deputy Attorney General and Chairman of the Equal Employment Coordinating Council.

MICHAEL H. MOSKOW,
Under Secretary of Labor.

ETHEL BENT WALSH,
Acting Chairman, Equal Employment Opportunity Commission.

ROBERT E. HAMPTON,
Chairman,
Civil Service Commission.

ARTHUR E. FLEMMING,
Chairman,
Commission on Civil Rights.

Because of its equal employment opportunity responsibilities under the State and Local Government Fiscal Assistance Act of 1972 (the revenue sharing act), the Department of Treasury was invited to participate in the formulation of this policy statement; and it concurs and joins in the adoption of this policy statement.

Done, this 26th day of August 1976.

RICHARD ALBRECHT,
General Counsel,
Department of the Treasury.

[FR Doc.76-26875 Filed 9-10-76;8:45 am]

May 19, 1977

Add to Xtra copy Murphy

TO : All Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM : John J. Walsh
General Manager, Personnel

SUBJECT : Proposed Amendments to Civil Service Commission Rule 2 Definition; Rule 6 Disciplinary Hearings; and Rule 32 Lay-Off

At its meeting of May 16, 1977 the Civil Service Commission had for its consideration proposed amendments to Civil Service Commission Rule 2 Definitions; Rule 6 Disciplinary Hearings; and Rule 32 Lay-Off. A copy of the proposed changes are attached for your review.

It was the decision of the Civil Service Commission to order that the proposed Rule amendments be posted for adoption at its meeting of June 6, 1977. Requests to meet and confer should be made in writing and sent to Room 151 - City Hall, Attention: Rules Committee.

CIVIL SERVICE COMMISSION

John J. Walsh THP

John J. Walsh
General Manager, Personnel

JJW:tg

Attachment

May 10, 1977

STAFF REPORT

TO : The Honorable Civil Service Commission

FROM : RULES REVISION COMMITTEE

THROUGH : John J. Walsh, General Manager, Personnel

SUBJECT : PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 32.06 AND DELETION OF RULE 32.02

RECOMMENDATION: ADOPT STAFF REPORT: POST FOR ADOPTION AT THE MEETING OF JUNE 6, 1977

Attached for your review is a proposed modification of Civil Service Commission Rule 32.06 governing lay-off of persons appointed to positions requiring special qualifications or skills. As proposed, Rule 32.06 provides a mechanism for continuing the employment of persons who have special qualifications and skills when those requirements are necessary for accomplishing the duties of a position. The proposed Rule gives the General Manager, Personnel, authority to determine if the specialty is inherent in the position, subject to appeal to the Civil Service Commission. Civil Service Commission Rule 32.02 currently contains similar language to Rule 32.06. The staff recommends that it be deleted.

~~Section 32.02. LAY-OFF - PERMANENT APPOINTEE - EXEMPT WAIVER POSITIONS - BY DEPARTMENT~~

~~Lay-off of permanent appointees certified on a requisition requiring special education, training or experience, pursuant to the provisions of Rule 14, Section 14.01 (d), shall be laid off when the work requiring such special qualifications is completed, provided that such appointees shall have rights to continued employment within their classification in positions where a specialty is not required if there are employees in such positions who have a later date of appointment.~~

SECTION 32.06. LAY-OFF

a. A PERSON APPOINTED TO A REQUISITION REQUIRING SPECIAL QUALIFICATIONS OR SKILLS SHALL BE LAID OFF WHEN THE WORK REQUIRING SUCH SPECIAL QUALIFICATIONS OR SKILLS IS COMPLETED, PROVIDING SUCH APPOINTEES SHALL HAVE RIGHTS TO CONTINUED EMPLOYMENT WITHIN THEIR CLASSIFICATION IN POSITIONS WHERE THE SPECIAL QUALIFICATIONS OR SKILLS ARE NOT REQUIRED IF THERE ARE LESS SENIOR EMPLOYEES IN THE CLASSIFICATION AND DEPARTMENT.

b. IN THE EVENT OF A LAY-OFF, A PERSON APPOINTED TO A POSITION REQUIRING SPECIAL QUALIFICATIONS OR SKILLS AS APPROVED BY THE GENERAL MANAGER, PERSONNEL, SHALL CONTINUE IN THE POSITION UNLESS A MORE SENIOR EMPLOYEE IN THE CLASSIFICATION AND DEPARTMENT IN WHICH THE LAY-OFF OCCURS POSSESSES THE SAME QUALIFICATIONS AND SKILLS. THE GENERAL MANAGER, PERSONNEL, MAY ADMINISTER SUCH TESTS AS DEEMED NECESSARY TO DETERMINE POSSESSION OF SPECIAL QUALIFICATIONS AND SKILLS.

Respectfully submitted,

Kathy Rende

Kathy Rende, Personnel Analyst
Member, Rules Committee

Albert Walker

Albert C. Walker, Assistant Secretary
Chairman, Rules Committee

THIS DOCUMENT SUPPORTS
CALENDAR ITEM: 2362-77

May 11, 1977

STAFF REPORT

TO : The Honorable Civil Service Commission

FROM : Rules Revision Committee

THROUGH : John J. Walsh
General Manager, Personnel

SUBJECT : PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION RULE 2

With the passage of Proposition E - Rule of Three (November, 1976 Election) major revisions to the certification and appointment procedures were required. Significant amendments to Civil Service Commission Rules were proposed to implement the Rule of Three. These changes were adopted on January 3, 1977. Certification under the Rule of Three has now been in effect for over four months.

Our experience to date with the Rule of Three has indicated deficiencies in other rules. The Civil Service Commission Rules were written to implement a Rule of One system under which certification from a list of eligibles was tantamount to appointment to a position. Consequently, the Rules used the words "certify" and "appoint" interchangeably. It is now necessary to glean the Rules to ensure that these critical words are used with precision. In order to attain such, it is required that there be accurate definitions of the various concepts used in the Rules. It is proposed that the following modifications to certain definitions in the Civil Service Commission Rule 2 be made to provide for appropriate useage and standardization of terminology throughout the Rules. It is also proposed to amend the definitions of Seniority to accommodate the fact that under the Rule of Three eligibles may be "certified" over and over again before being appointed, and that there may be several "certification dates."

NOTE: Additions or substitutions are indicated by **bold-face** type; deletions are indicated by ---

Section 2.02A	APPOINTMENT DATE	THE DATE ON WHICH AN APPOINTING OFFICER NOTIFIES THE CIVIL SERVICE COMMISSION OF HIS/HER SELECTION FROM A LIST OF ELIGIBLES CERTIFIED BY THE CIVIL SERVICE COMMISSION.
Section 2.03A	CERTIFICATION DATE	THE DATE ON WHICH THE CIVIL SERVICE COMMISSION NOTIFIES AN APPOINTING OFFICER OF THE NAME(S) OF ELIGIBLE(S) FROM WHICH APPOINTMENT(S) CAN BE MADE TO FILL POSITION(S).

THIS DOCUMENT SUPPORTS
CALENDAR ITEM: 2363-77

Section 2.26.1 SENIORITY-CIVIL SERVICE

a) PERMANENT	Seniority shall be determined by the date ~~of certification to~~ AN APPOINTEE STARTS TO WORK IN a permanent position in a classification in a department. In the event of identical ~~certification~~ dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior. (amended 11/15/76)
b) TEMPORARY FROM ELIGIBLE LIST	Seniority shall be determined by the date ~~of certification to~~ AN APPOINTEE STARTS TO WORK IN a temporary position in a classification in a department. In the event of identical ~~certification~~ dates, seniority shall be determined by rank on the eligible list, the higher eligible being the senior. (amended 11/15/76)
c) LIMITED TENURE	Seniority shall be determined by the date ~~of certification to~~ AN APPOINTEE STARTS TO WORK IN a position in a classification in a department ON A LIMITED TENURE BASIS. Seniority, in the event of ties, shall be determined by the appointing officer. (amended 11/15/76)
Section 2.27A START WORK DATE	THE DATE ON WHICH AN APPOINTEE IS FIRST REPORTED ON THE TIMEROLL AS WORKING.
Section 2.29 VALIDATION DATE	THE DATE ON WHICH THE CIVIL SERVICE COMMISSION NOTIFIES AN APPOINTING OFFICER THAT IT HAS APPROVED AN APPOINTMENT.

RECOMMENDATION: It is respectfully recommended that the Civil Service Commission order these proposed changes posted for adoption at the meeting of June 6, 1977 and that all interested parties including recognized employee groups be notified that the staff is available to meet and confer on these suggested changes prior to the June 6th meeting.

Respectfully submitted,

CIVIL SERVICE COMMISSION

Albert C. Walker

Albert C. Walker, Assistant Secretary
Chairman, Rules Committee

Thomas H. Poulas

Thomas H. Poulas, Principal Personnel Analyst
Member, Rules Committee

2333-77
5/9/77

To : Civil Service Commission

Through: John J. Walsh
General Manager, Personnel

From : Thomas H. Poulas
Principal Personnel Analyst

SUBJECT: PROPOSED AMENDMENT TO CIVIL SERVICE RULE 6, SECTION 6.06, PROCEDURE FOR DISMISSAL OF REGULAR PERMANENT EMPLOYEE AND SECTION 6.07, PROCEDURE FOR APPEAL.

RECOMMENDATION: POST TWO WEEKS FOR REVIEW.

In November, 1976, the electorate passed the proposed Charter amendment, Proposition "C", amending Charter Section 8.341, Dismissal for Cause. This Charter Section now requires all hearings of dismissals for cause to be conducted by a qualified and unbiased hearing officer employed under contract by the City and County and selected by procedures set forth in the rules of the Civil Service Commission. The decision of the hearing officer is final unless the dismissed employee appeals to the Civil Service Commission. The Civil Service Commission shall examine into the case and may require the hearing officer to furnish record of the hearing and may require any additional evidence it deems material under conditions established by the rule of the Civil Service Commission.

The following amendments are recommended in order to conform to Charter Section 8.341:

NOTE: Additions or substitutions are indicated by bold-faced type; deletions are indicated by ((double parentheses)).

RULE 6.

SEPARATION HEARINGS AND PROCEDURES EXCLUDING DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES UNDER CHARTER SECTION 8.346.

Section 6.06 PROCEDURE FOR DISMISSAL ((BY APPOINTING OFFICER)) OF REGULAR PERMANENT EMPLOYEE.

A regular permanent employee may be discharged for cause upon written charges and after an opportunity to be heard in her/his own defense. (amended 2/2/76)

When the charges are made, the appointing officer shall notify the person accused in writing of the time and place where the charges will be heard by mailing such statement to her/his last known address. The person accused may be represented by counsel or other representatives of her/his own choosing. (amended 11/51/76)

THE CIVIL SERVICE COMMISSION SHALL CONTRACT WITH THE AMERICAN ARBITRATION ASSOCIATION AND THE STATE CONCILIATION SERVICE FOR SERVICES OF HEARING OFFICERS.

APPOINTING OFFICERS SHALL ARRANGE FOR AN IMPARTIAL HEARING OFFICER FROM EITHER THE AMERICAN ARBITRATION ASSOCIATION OR STATE CONCILIATION SERVICE AND THE DEPARTMENT SHALL PAY ALL HEARING COSTS, INCLUDING THE COST OF PREPARATION OF THE RECORD OF THE HEARING IF REQUIRED.

WHEN CIRCUMSTANCES WARRANT, APPOINTING OFFICERS MAY EMPLOY QUALIFIED AND UNBIASED HEARING OFFICERS UNDER PERSONAL SERVICES CONTRACT SUBJECT TO THE REVIEW AND APPROVAL OF THE GENERAL MANAGER, PERSONNEL.

The ((appointing officer)) HEARING OFFICER shall publicly hear and determine the charges and may exonerate, suspend, or dismiss the accused. (amended 2/2/76) THE APPOINTING OFFICER SHALL NOTIFY THE EMPLOYEE OF THE DECISION.

The Personnel Department shall be informed of all notifications and actions at the same time the employee is so notified.

Section 6.07. PROCEDURE FOR APPEAL FOLLOWING DISMISSAL OF REGULAR PERMANENT EMPLOYEE.

If a hearing by an ((appointing officer)) HEARING OFFICER results in the dismissal of a regular permanent employee, the finding of the ((appointing)) HEARING officer shall be final unless within thirty (30) days of the date of the written notice of dismissal, the dismissed employee appeals to the Commission. The written notification shall indicate the employee's right to appeal the dismissal to the Civil Service Commission within thirty (30) days from the date of such notice.

The appeal ((and all proceedings)) shall be in writing and shall briefly state the grounds therefor. The Commission shall review the case and may require the appointing officer to furnish a record of the hearing CONDUCTED BY THE HEARING OFFICER and any additional evidence in writing it deems material. The Commission shall make such decision as it deems just.

The decision shall be final and shall be immediately enforced by the appointing officer.

If the Commission shall revise or alter the finding of the ((appointing)) HEARING officer, it may order that the employee affected be paid salary from the time of discharge or suspension. (amended 11/15/76)

Respectfully submitted,

Thomas H. Poulas
Principal Personnel Analyst

Approved by:

John J. Walsh
General Manager, Personnel

City and County of San Francisco

Civil Service Commission

May 19, 1977

TO : All Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM : John J. Walsh
General Manager, Personnel

SUBJECT : Amendment to Civil Service Commission Rule 3.06 - Secretary Pro Tem

At its meeting of May 16, 1977 the Civil Service Commission adopted a proposed amendment to its Rules by modifying Civil Service Commission Rule 3, Section 3.06. Attached is a revised Page 6 of the Rules incorporating those changes. Please substitute this page for the page currently in your Rule Book.

CIVIL SERVICE COMMISSION

John J. Walsh

John J. Walsh
General Manager, Personnel

JJW:tg

Attachment

(415) 558-5524 Room 151 City Hall San Francisco 94102

The General Manager, Personnel, shall: (amended 11/15/76)

1. Determine the examinations to be conducted.

2. Determine the minimum qualifications of applicants; the subjects to be covered in each examination; methods of testing, and the relative weights.

3. Prepare, post and distribute to appropriate departments bulletins announcing examinations.

4. Prepare the content or questions to be used in each examination, together with the standards or key answers.

5. Make arrangements for and supervise the conduct of the examination, appointing experts, special examiners, and other persons as he deems necessary. (amended 11/15/76)

6. Grade examination papers, evaluate the qualifications of applicants, and set passing marks. (amended 11/15/76)

7. Pass upon all questions relating to the eligibility of applicants; the determination of next lower ranks in promotive examinations; the admissibility of applicants to the examination; extensions of time and all questions arising during the course of an examination, subject to appeal to the Commission as provided in Rule 5, Section 5.06.

j) Perform all functions necessary for the proper implementation of these rules and the provisions of the Charter relating to Civil Service administration, and such additional duties as may be assigned by the Commission. (amended 11/15/76)

Section 3.05. ASSISTANT GENERAL MANAGER, PERSONNEL

In the absence of the General Manager, Personnel, the Assistant General Manager, Personnel shall have all of the powers and duties of the General Manager, Personnel.

Section 3.06. ACTING GENERAL MANAGER (amended 5/16/77)

In the absence of the General Manager, Personnel, and the Assistant General Manager, Personnel, the General Manager, Personnel, shall appoint a Division Manager, Personnel or an Assistant Division Manager, Personnel, to Acting General Manager, Personnel, until their return.

RULE 4

MEETINGS OF THE COMMISSION

Section 4.01. REGULAR MEETINGS

Regular Meetings shall be held on the first and third Monday of each month at 2:00 P.M., in Room 282, City Hall, or at such other day, time, or place as the Commission, at a prior Regular Meeting may designate. (amended 11/15/76)

Any change of time or place of meeting shall be posted on the door of Room 282.

When a Regular Meeting day falls on a holiday, the Commission shall meet on the next succeeding business day, unless at a prior Regular Meeting it designates some other day for its meeting.

City and County of San Francisco **Civil Service Commission**

June 3, 1982

TO: Appointing Officers
Departmental Personnel Officers

FROM: John J. Walsh
General Manager, Personnel

SUBJECT: PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULES RELATING TO EMPLOYEE SEPARATIONS.

Attached for your review is a draft of proposed amendments to the Civil Service Commission Rules relating to separations from the Service: Rule 6 - Separation Hearings and Procedures, Rule 25 - Absence From Duty Without Leave (Automatic Resignation), and Rule 33 - Resignation.

These Rules have been reviewed to develop an alternate procedure to the current requirement that the Civil Service Commission calendar and hear every separation matter. While the practice of hearing the termination of promotive probationary appointees has been continued in the proposals due to Charter mandate, all other separation hearings have been delegated to a hearing officer who will hear the case and submit written recommendations and reasons for those recommendations to the Commission. The matter would then be calendared with the hearing officers recommendations for Civil Service Commission action. The Commission would not take testimony or conduct a hearing unless a majority of the Commission so ordered.

In addition, there would be no hearings conducted under the proposals unless a separated employee requests such a hearing. Failure to request a hearing within fourteen (14) calendar days (two weeks) would result in the "full treatment" which would automatically be applied under the proposed Rule changes. This would significantly reduce if not eliminate the "no shows" and make it possible to anticipate turn out and to calendar a reasonable number of cases per session for the hearing officer.

The source of hearing officers would be the Civil Service Commission panel of hearing officers selected under current Rule 6, Section 6.06, to hear and determine charges for dismissal against permanent employees. It is intended to canvass the dozen or so hearing officers to determine interest in participating in this new process and to rotate hearings among them. Departments would be assessed a fee per termination calendared for hearing to compensate the hearing officer. Preliminarily, this fee would be approximately $25.00 to $30.00 per case. The court reporters fee would be included in the fee on a pro rata basis.

Other changes include standardization of the appeal period to fourteen (14) calendar days (two weeks) for all transactions, updating to reflect Charter changes, and recodification where required.

This draft is being circulated within the City and County Service for informal comment prior to being posted for meet and confer/consultation. As the Civil Service Commission is anxious to move these changes along and expects to post the proposals for meet and confer at its meeting of June 21, your prompt review would be appreciated. In order to incorporate any suggestions into the proposal prior to posting, it is required that your comments be received by Monday, June 14. Questions can be directed to Al Walker, Assistant Secretary, Civil Service Commission, at Centrex (558) 2327.

CIVIL SERVICE COMMISSION

John J. Walsh
General Manager, Personnel

JJW:vl

(DRAFT, 5/27/82)

Proposed Amendments to Civil Service Commission Rule 6 - SEPARATION HEARINGS AND PROCEDURES EXCLUDING DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES UNDER CHARTER SECTION 8.346.

Additions are in UPPERCASE AND UNDERLINED;
Deletions are shown by ((Double Brackets))

Section 6.01. RULES OF PROCEDURE GOVERNING SEPARATIONS ((HEARINGS))

A. Procedures IN THIS RULE govern((ing the following)) employees((:)) IN THE FOLLOWING STATUSES:

1. Regular Temporary (CERTIFIED TEMPORARY)

2. Limited Tenure

3. Probationary Entrance

4. Probationary Promotive

5. Permanent

B. NOTIFICATION OF TERMINATION

1. A notice of termination on the ((proper Personnel Department)) form PRESCRIBED BY THE GENERAL MANAGER, PERSONNEL from the appointing officer to the employee detailing the specific reason(s) for the termination, shall serve as official notice of such termination.

2. The notice of termination shall be sent TO THE EMPLOYEE by certified mail or BE personally delivered. ((Copies of the termination form must be filed in the Personnel Department.))

3. The stated reason(s) for the termination must be enumerated. Records of warnings, reprimands and previous suspensions, if applicable to the reasons for termination, must be attached to the termination form.

4. THE CIVIL SERVICE COMMISSION SHALL BE NOTIFIED OF THE TERMINATION SIMULTANEOUSLY WITH THE DELIVERY OR MAILING TO THE EMPLOYEE IN ACCORDANCE WITH PROCEDURES PRESCRIBED BY THE GENERAL MANAGER, PERSONNEL.

5. EXCEPT FOR PROMOTIVE PROBATIONARY EMPLOYEES, THE TERMINATED EMPLOYEE SHALL BE NOTIFIED THAT HE/SHE HAS THE RIGHT WITHIN FOURTEEN (14) CALENDAR DAYS OF THE EFFECTIVE DATE OF THE TERMINATION TO REQUEST A REVIEW AS PROVIDED IN THIS RULE. FAILURE TO REQUEST A HEARING WITHIN THE FOURTEEN (14) DAY PERIOD WILL CONSTITUTE A WAIVER OF THE RIGHT TO REVIEW AND THE RIGHT TO A HEARING.

6. PROMOTIVE PROBATIONARY EMPLOYEES SHALL BE NOTIFIED OF THE RIGHT OF APPEAL AND HEARING BEFORE THE CIVIL SERVICE COMMISSION AS PROVIDED IN CHARTER SECTION 8.340.

((The termination must be approved in accordance with Section 3.501 of the Charter. (amended 11/15/76)))

((The notice of termination must include the following information: (amended 11/15/76)))

((1. The employee has the right to: (amended 11/15/76)))

((a. A hearing before the Civil Service Commission. The decision of the Civil Service Commission may affect any future employment with the City and County of San Francisco.))

((b. Representation by an attorney or authorized representative of her/his own choice at the inquiry.))

((c. Notification of date, time and place of inquiry a reasonable time in advance.))

((d. Inspection by employee's attorney or authorized representative of those records and materials in the Civil Service Commission Office which relate to the termination.))

((2. Any interested party may request a continuance of the inquiry.))

((3. The stated reason(s) for the termination must be enumerated. Records of warnings, reprimand and previous suspensions, if applicable to the reasons for termination, must be attached to the termination form.))

((4. To the extent practicable, the departmental representative who has

the most complete personal knowledge of the facts which constitute the basis for the termination shall appear when the matter is to be considered by the Commission. The matter will be heard in accordance with Rule 5, Section 5.13. Interested parties may record the inquiry if they provide the necessary equipment.))

Section 6.02. PROCEDURE FOR TERMINATION OF ((REGULAR)) CERTIFIED TEMPORARY EMPLOYEE

A. A ((regular)) temporary employee CERTIFIED AND APPOINTED FROM A LIST OF ELIGIBLES may be terminated by an appointing officer WITH THE APPROVAL OF THE CHIEF ADMINISTRATIVE OFFICER, BOARD OR COMMISSION AS REQUIRED BY CHARTER SECTION 3.501.

B. The notification and hearing procedure FOR THE DETERMINATION OF FUTURE EMPLOYABILITY shall be in accordance with the provisions of ((Rule 6, Section 6.01)) THIS RULE. (((amended 11/15/76)))

C. The Commission shall take one or more of the following actions: (((amended 11/15/76)))

((a))) 1. Declare the person dismissed from the service and remove the name of the person from the eligible list FROM WHICH APPOINTED.

((b))) 2. Order the name of the person removed from any other list or lists on which the person has eligibility.

((c))) 3. Restrict participation in ((further)) examinations as ((it)) deemED((s)) appropriate.

((d))) 4. Return the name of the person to the eligible list from which appointed without restriction, or under such conditions for further appointment as deemed appropriate.

Section 6.03. PROCEDURE FOR TERMINATION OF LIMITED TENURE EMPLOYEE

A. A limited tenure employee may be terminated for good cause by an appointing officer at any time with the approval of the Commission.

B. The notification and hearing procedure FOR APPROVAL OF THE TERMINATION AND DETERMINATION OF FUTURE EMPLOYABILITY shall be in accordance with the provisions of THIS Rule ((6, Section 6.01))

C. The Commission shall take one or more of the following actions:

((a))) 1. Approve the termination. ((and))

((d))) 2. Declare the person dismissed from the Service.

((b))) 3. Order the name of the person removed from any ((regular)) eligible list or lists on which the person may have standing. (((amended 11/15/76)))

((c))) 4. Restrict participation in ((further)) examinations as ((it)) deemED((s)) appropriate.

((d))) 4. Disapprove the termination and reinstate the appointee to THE CLASS AND the department FROM WHICH TERMINATED.

Section 6.04. PROCEDURE FOR TERMINATION OF EMPLOYEE SERVING AN ENTRANCE PROBATIONARY PERIOD, EXCEPT FOR MEMBERS OF THE UNFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS ((EMPLOYEE IN AN ENTRANCE CLASSIFICATION.))

A. An employee serving ((in)) an entrance ((classification)) PROBATIONARY APPOINTMENT may be terminated by the appointing officer at any time during the probationary period.

B. The notification and hearing procedure((s)) FOR DETERMINATION OF FUTURE EMPLOYABILITY shall be in accordance with Section 8.340 of the Charter and with the provisions of THIS Rule. ((6, Section 6.01))

C. The Commission shall take one or more of the following actions:

((a))) 1. Declare the person dismissed, or return the name to the eligible list from which appointed under such conditions for further appointment ((it)) deemED((s)) appropriate.((, provided that certification to the same position will not be made if the termination was for disciplinary reasons.))

((b))) 2. Order the name of the person removed from any ((regular)) eligible list or lists on which the person may have standing. (((amended 11/15/76)))

((c))) 3. Restrict participation in ((further)) examinations as ((it)) deemED((s)) appropriate.

Section 6.05. PROCEDURE FOR APPEAL AND HEARING FOLLOWING TERMINATION OF EMPLOYEE SERVING A PROMOTIONAL PROBATIONARY PERIOD ((IN A PROMOTIONAL CLASSIFICATION)) EXCEPT FOR MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS

((a)) A. An employee serving ((probation in)) a promotional ((classification)) PROBATIONARY PERIOD IN A CLASSIFICATION OTHER THAN AS A MEMBER OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS may be terminated by the appointing officer at any time during the probationary period.

B. The termination shall be in accordance with Section 8.340 of the Charter and applicable procedures in THIS Rule ((6, Section 6.01)).

C. The employee shall have the right of appeal and hearing before the Commission.

D. Notice of appeal shall be filed in writing ((in)) WITH the Civil Service ((Department)) COMMISSION within FOURTEEN (14) ((ten (10))) working days (excluding Saturdays,

Sundays and Holidays) following the date of termination of appointment.

E. The Commission will announce the time and place of hearing which shall be as soon thereafter as convenient to all parties.

E. The Commission shall render its decision within thirty (30) days after receipt of the notice of termination, and

(((a))) 1. ((m))May direct such person dismissed, or

(((b))) 2. ((d)) Declare such person reinstated in the position and may order that the employee be paid salary from the time of termination of appopintment, or

(((c))) 3. ((o))Order the return of such person to ((the)) A position IN THE CLASS from which promoted AND MAY IN ITS DISCRETION RETURN THE NAME TO THE LIST OF ELIGIBLES FOR THE CLASS FROM WHICH TERMINATED.

G. The decision of the Commission OR THE ACTION TAKEN IN THE EVENT NO APPEAL IS FILED shall be final AND NO RECONSIDERATION REQUEST SHALL BE ALLOWED.

H. Pending decision of the Commission, the appointing officer has the option to restore the employee to duty

in a position in the class from which promoted. If the position was under another appointing officer, that appointing officer's approval to such reinstatement shall be required.

Section 6.06 PROCEDURE FOR DISMISSAL OF ((REGULAR)) PERMANENT EMPLOYEE EXCEPT MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS. (((Entire Section Amended 1/8/79)))

((a))) A. Discharge of Permanent Employee

A ((regular)) permanent employee may be discharged for cause upon written charges and after having an opportunity to be heard in her/his own defense. THE EMPLOYEE MAY BE REPRESENTED BY COUNSEL OR OTHER REPRESENTATIVE. (((Amended 2/2/76)))

((b))) B. Notification of Time and Place of Hearing

When the charges are made, the appointing officer shall notify the person in writing of the time and place where the charges will be heard by mailing such statement Via Certified Mail to her/his last known address. Such hearing shall not be held within five (5) working days of the date on which the notice is mailed. ((The Employee may be represented by counsel or other representatives of her/his own choosing. (Amended 11/15/79))) ANY PARTY REQUESTING A CONTINUANCE OF A HEARING SHALL PROMPTLY NOTIFY THE HEARING OFFICER AND ALL OTHER PARTIES TO THE ACTION OF THE REQUEST FOR CONTINUANCE AND THE REASONS FOR THE REQUEST. THE HEARING OFFICER SHALL DETERMINE WHETHER A CONTINUANCE WILL BE GRANTED.

((c))) C. Hearing Officer -- Sources

The hearing itself, as required by the Charter (Section 8.341), shall be conducted by a hearing officer under contract to the appointing officer, chosen as follows in each case:

1. From organizations such as the American Arbitration Association or the State Conciliation Service which customarily provide hearing officers, or

2. From a list of qualified hearing officers certified by the Civil Service Commission, such list to be kept current and to contain at all times at least three names.

((d))) D. Hearing Officer -- Method of Selection

The Civil Service Commission shall certify its list of hearing officers by the following method:

1. The Commission shall ((cause to be)) publish((ed)) in a newspaper of general circulation an announcement of openings for hearing officers. This announcement shall run either for a period of five (5) working days or for two weekends, at the discretion of the Commission.

2. The Commission shall include in its list only such applicants as satisfy the following criteria:

i. Have at least one year of experience in the conduct of judicial hearings in the capacity of a hearing officer.

ii. Have experience in the resolution of disputes involving the interpretation of labor- management contracts.

3. The Civil Service Commission shall post the list of panel members so selected for a period of five (5) working days during which time employees, the public employee organizations or city departments may seek to demonstrate in writing that any member of the panel is unacceptable. The General Manager, Personnel, shall review such challenges and shall determine whether on the basis of the challenge the individual should be eliminated from the approved list.

((e))) E. Hearing Officer -- Challenge by Employee

The employee may challenge the competence of the hearing officer who is scheduled to hear THE ((his/her)) case on the basis that the officer is in some demonstrable manner biased or prejudiced against the employee and ((that, therefore,)) the employee will not be afforded a fair hearing. The challenge must be made in the following manner.

1. The challenge must be by written affidavit.

2. The challenge must be received by the appointing officer at least twenty-four (24) hours prior to the commencement of the hearing.

((3.)) IN THE EVENT THAT THE APPOINTING OFFICER DETERMINES THAT THE HEARING OFFICER CANNOT AFFORD THE EMPLOYEE A FAIR HEARING, THE APPOINTING OFFICER SHALL IMMEDIATELY MAKE ARRANGEMENTS TO OBTAIN THE SERVICES OF ANOTHER HEARING OFFICER. Should the challenge cause the department to incur expense through the cancellation of the hearing officer, court reporter,

etc., such expenses shall be borne by the employee in keeping with the section on costs below. If the employee has been placed on suspension pending the hearing, any delay in the hearing occasioned through challenge or replacement of a hearing officer shall be considered a delay of the hearing by act of the accused employee and shall extend ((indefinitely)) the thirty-day period referred to in Charter Section 8.341. ((In the event that the appointing officer shall determine that the hearing officer cannot afford the employee a fair hearing, the appointing officer shall immediately make arrangements to obtain the services of another hearing officer in accordance with the methods stated above.))

((f))) E. Hearing Officer -- Evidence to be Considered

The hearing officer shall decide the case on the basis of the evidence presented. The hearing officer shall determine whether the accused employee has adhered to the applicable orders, rules, regulations, ordinance, charter provisions or applicable sections of any MEMORANDUM OF AGREEMENT (MOA) or MEMORANDUM OF UNDERSTANDING (MOU). The hearing officer shall be prohibited from considering the relative merits or social desirability of such orders, rules, regulations, ordinance, charter provisions or sections of MOU's or MOA's as may be applicable to the case.

((g)) G. Hearing Officer -- Decision

Within five (5) working days of the close of the hearing, unless specifically exempted for good cause by the appointing

officer, the hearing officer shall notify the appointing officer in writing of his decision in the case. The hearing officer shall be limited to the following options in deciding the case:

1. ((The hearing officer may e)) Exonerate the employee, in which case the ((record)) HEARING OFFICER may: ((at the discretion of the hearing officer be expunged and the employee may receive back pay for all time lost.))

a. REMIT THE FULL PERIOD OF THE SUSPENSION OR ANY PORTION THEREOF;

b. ORDER PAYMENT OF SALARY TO THE EMPLOYEE FOR THE PERIOD OF TIME UNDER SUSPENSION. IF ANY PERIOD OF THE SUSPENSION IS REMITTED, THE REPORT OF SUCH PERIOD OF SUSPENSION SHALL BE EXPUNGED FROM ALL RECORDS OF SERVICE OF THE EMPLOYEE.

2. ((The hearing officer may f)) Find the employee guilty as charged, in which case the ((following three provisions apply)) HEARING OFFICER MAY:

((i.)) a. ((The hearing officer may o)) Order the employee returned to work, but without back pay for any time ((not worked between the time charges were made and the time of)) THAT THE EMPLOYEE HAS BEEN PLACED ON SUSPENSION PENDING the hearing ((or the time the hearing officer renders a)) AND decision((, whichever is longer)) ON THE CHARGE(S).

((ii.)) b. ((The hearing officer may s)) Suspend the employee without pay, ((but)) AND may ((or may not at his discretion)) order back pay for any periods not worked prior to the hearing.

((iii.)) c. ((The hearing officer may d))

Dismiss the employee. (((Amended 2/2/76)))

((h)) H. Notification of Decision of Hearing Officer

Within five (5) working days after the appointing officer receives written notification of the decision of the hearing officer, ((he)) THE APPOINTING OFFICER shall inform the employee in writing of the decision of the hearing officer and shall by copy of this correspondence and the written notification from the hearing officer inform the Civil Service Commission of the decision and the action taken.

((i)) I. Costs

The department bringing charges against an employee shall pay all fees for hearing officers and court reporters, ((and, if required, the cost of preparation of the transcript,)) with the following exception:

If additional costs are incurred as a result of any request of the employee (such as costs occasioned by the untimely postponement of a hearing, challenges of hearing officer, etc.), all such additional costs((, such as cancellation fees or fees when court reporters cannot be notified of the cancellation of a hearing within their established and customary limits)) shall be borne by the employee.

Section 6.07. ((PROCEDURE FOR APPEAL FOLLOWING DISMISSAL OF REGULAR PERMANENT EMPLOYEES (superseded by Amendment to Charter Section 8.341 Proposition B - November 7, 1978)))

PROCEDURE FOR DISMISSAL AND TERMINATION OF MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS.

A. DISMISSAL AND TERMINATION OF MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS SHALL BE AS PROVIDED IN THE CHARTER.

B. THE CIVIL SERVICE COMMISSION SHALL IMMEDIATELY BE NOTIFIED ON THE PRESCRIBED FORM OF SEPARATIONS OF MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS.

C. THE PROCEDURE TO DETERMINE FUTURE EMPLOYABILITY IN THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS SHALL BE AS PROVIDED IN THIS RULE.

Section 6.08 ((EFFECT OF DISMISSAL OF REGULAR PERMANENT EMPLOYEE WHEN NO APPEAL FILED (Superseded by Amendment to Charter Section 8.341 - Proposition B - Novmeber 7, 1978)))

FAILURE TO APPEAL OR TO REQUEST HEARING

CERTIFIED TEMPORARY, LIMITED TENURE, ENTRANCE PROBATIONARY AND PERMANENT APPOINTEES WHO ARE DISMISSED OR TERMINATED, INCLUDING MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS, WHO DESIRE A HEARING ON THEIR FUTURE EMPLOYABILITY SHALL MAKE SUCH REQUEST IN WRITING WITHIN FOURTEEN (14) CALENDAR DAYS OF THE EFFECTIVE DATE OF THE TERMINATION OR DISMISSAL. PROMOTIVE PROBATIONARY APPOINTEES WHO WISH TO APPEAL THEIR TERMINATION SHALL DO SO IN WRITING WITHIN FOURTEEN (14) CALENDAR DAYS OF THE EFFECTIVE DATE OF THE TERMINATION. FAILURE

TO MAKE SUCH TIMELY WRITTEN REQUEST SHALL CONSTITUTE A FORFEITURE OF THE RIGHT TO A HEARING AND THE FOLLOWING ACTION SHALL BE TAKEN:

A. THE CANCELLATION OF ALL CURRENT EXAMINATION AND ELIGIBILITY STATUS.

B. FUTURE EMPLOYMENT SHALL REQUIRE THE APPROVAL OF THE GENERAL MANAGER, PERSONNEL.

C. ONE YEAR'S SATISFACTORY WORK EXPERIENCE OUTSIDE THE CITY AND COUNTY SERVICE SHALL BE REQUIRED PRIOR TO REAPPLICATION FOR EMPLOYMENT OR PARTICIPATION IN EXAMINATIONS.

D. FUTURE EMPLOYMENT IN THE DEPARTMENT FROM WHICH DISCHARGED SHALL BE PROHIBITED.

SECTION 6.09. HEARING PROCEDURES

IF A TIMELY WRITTEN REQUEST FOR HEARING IS FILED, THE GENERAL MANAGER, PERSONNEL SHALL NOTIFY THE PERSON AND THE DEPARTMENT OF THE DATE, TIME AND PLACE OF THE HEARING. UPON RECEIPT OF SUCH NOTICE THE DEPARTMENT SHALL IMMEDIATELY SUBMIT THE PERSON'S PRIOR WORK RECORD AND RECORDS OF ANY PRIOR DISCIPLINARY ACTIONS TO THE CIVIL SERVICE COMMISSION.

A. GENERAL HEARING PROCEDURES

PERSONS SCHEDULED FOR HEARING UNDER THIS RULE SHALL BE ENTITLED TO THE FOLLOWING:

1. REPRESENTATION BY COUNSEL OR OTHER REPRESENTATIVE.

2. NOTIFICATION OF THE DATE, TIME AND PLACE OF THE HEARING.

3. INSPECTION OF ANY OF THE RECORDS AND MATERIALS WHICH RELATE TO THE SEPARATION, PRIOR WORK RECORD, AND PRIOR DISCIPLINARY ACTIONS.

4. ANY INTERESTED PARTY MAY REQUEST A CONTINUANCE OF THE HEARING. SUCH REQUEST FOR CONTINUANCE SHALL BE PROMPTLY MADE TO THE COMMISSION AS SOON AS THE NECESSITY FOR A CONTINUANCE BECOMES KNOWN.

TO THE EXTENT PRACTICABLE, THE DEPARTMENTAL REPRESENTATIVE WHO HAS THE MOST COMPLETE PERSONAL KNOWLEDGE OF THE FACTS WHICH CONSTITUTE THE BASIS FOR THE SEPARATION SHALL APPEAR AT THE HEARING. THE MATTER WILL BE HEARD IN ACCORDANCE WITH RULE 5, SECTION 5.13. INTERESTED PARTIES MAY RECORD THE HEARING IF THEY PROVIDE THE NECESSARY EQUIPMENT.

B. REVIEW BY HEARING OFFICER

1. HEARINGS SHALL BE CONDUCTED BY A HEARING OFFICER SELECTED FROM THE CIVIL SERVICE COMMISSION PANEL AS PROVIDED IN THIS RULE.

2. THE HEARING OFFICER SHALL CONSIDER THE CIRCUMSTANCES AND REASONS FOR THE SEPARATION FROM SERVICE AND MAY CONSIDER THE PRIOR WORK RECORD OF THE PERSON AS WELL AS PRIOR DISCIPLINARY ACTIONS.

3. WITHIN FIVE (5) BUSINESS DAYS OF THE HEARING, THE HEARING OFFICER SHALL PREPARE WRITTEN RECOMMENDATIONS AND REASONS THEREFOR. THE RECOMMENDATIONS SHALL BE CONSISTENT WITH THE CHARTER AND THESE RULES.

4. THE WRITTEN RECOMMENDATIONS AND REASONS THEREFOR, TOGETHER WITH SUCH OTHER DOCUMENTS AS THE HEARING OFFICER RELIED UPON IN REACHING A DECISION, SHALL BE FORWARDED TO THE CIVIL SERVICE COMMISSION FOR ITS RATIFICATION.

5. THE CIVIL SERVICE COMMISSION SHALL NOTIFY THE PARTIES OF THE HEARING OFFICER'S RECOMMENDATIONS AND REASONS THEREFORE, AND THE TIME, DATE AND OF THE CIVIL SERVICE COMMISSION MEETING.

6. ALL COMMENTS ON THE HEARING OFFICER'S RECOMMENDATIONS SHALL BE SUBMITTED TO THE CIVIL SERVICE COMMISSION OFFICE, WITH SEVEN (7) COPIES, AT LEAST FIVE (5) DAYS PRIOR TO THE MEETING. NO OTHER COMMENTS WILL BE ALLOWED AT THE MEETING UNLESS OTHERWISE ORDERED BY A MAJORITY OF THE COMMISSIONERs.

7. THE DECISION OF THE COMMISSION SHALL BE FINAL AND SHALL NOT BE RECONSIDERED.

Section ((6.09)) 6.10. PROCEDURE FOR HEARING ON CHARGES AN EMPLOYEE WHEN THE APPOINTING OFFICER NEGLECTS OR REFUSES TO ACT.

When the appointing officer neglects or refuses to act, pertaining to the removal of any employee subject to the civil service provisions of the Charter, the Commission may hear and determine any charge filed by a citizen, or by an authorized agent of the Commission. In rendering its decision, the Commission shall determine the charges and may exonerate, suspend

or dismiss the accused employee in accordance with the provisions of Section 8.341 of the Charter.

The appointing officer or the departmental representative shall appear when the matter is to be considered. The matter will be heard in accordance with Rule 5, Section 5.13 - Order of Presentation.

Section ((6.10)) 6.11. ELIGIBILITY STATUS PENDING COMMISSION ACTION ((ON DISCIPLINARY TERMINATION))

Pending action of the Commission on termination of any appointment or upon presentation of charges for dismissal, the ((name of the)) appointee shall be INELIGIBLE FOR ALL EMPLOYMENT IN THE CITY SERVICE. ((placed under waiver for all appointment(s) on any eligible list on which the appointee has standing. ((Amended 11/15/76)))

((Section 6.11 EFFECT OF COMMISSION APPROVAL OF TERMINATION OR DISMISSAL))

((Unless specifically ordered otherwise by the Commission, approval of termination or dismissal shall result in the cancellation of all current examination and eligibility status and all future applications will require the approval of the General Manager, Personnel, after completion of one year's satisfactory work experience outside the City and County service. (Amended 11/15/76)))

9243B

(DRAFT, 5/27/82)

Proposed Amendments to Civil Service Commission

Rule 33 - Resignation

Additions are in UPPERCASE AND UNDERLINED;

Deletions are shown by ((Double Brackets))

Section 33.01. FORM.

A resignation shall be immediately reported on the FORM prescribed BY ((form to either)) the General Manager, Personnel. ((, or to the Civil Service Commission as provided below.)) If an employee resigns without completing the form, but otherwise gives notification in writing of ((her/his)) resignation, such notification shall be attached to the form. (((amended 10/16/78)))

Section 33.02. CERTIFICATON AND DISPOSITION.

The appointing officer shall certify on the resignation form whether the resignee's services have been satisfactory or unsatisfactory. IF SERVICES ARE CERTIFIED AS SATISFACTORY ((T))the resignation FORM shall be forwarded to the General Manager, Personnel, for recordation. IF SERVICES ARE CERTIFIED AS UNSATISFACTORY, THE RESIGNATION SHALL BE PROCESSED IN ACCORDANCE WITH THIS RULE. ((if services were satisfactory and to the Civil Service Commission for determination of future employability if services were unsatisfactory. (amended 10/16/78)))

Section 33.03. EFFECTIVE DATE OF RESIGNATION - WHEN FINAL.

A resignation shall be final on the effective date entered on the resignation form and shall not thereafter be rescinded. (((amended 10/16/78)))

Section 33.04. SATISFACTORY SERVICE - PERMANENT APPOINTEES.

A permanent appointee who has completed the probationary period and who resigns and whose services have been certified as satisfactory by the appointing officer shall be permanently separated from such appointment except as provided in the Reappointment Rule. (((amended 1/3/77; 10/16/78)))

Section 33.05. SATISFACTORY SERVICE - PROBATIONARY OR TEMPORARY APPOINTEES.

An employee under probationary or temporary appointment who resigns and whose services have been certified as satisfactory by the appointing officer shall be removed from the eligible list from which appointed except upon written request and with the approval of the General Manager, Personnel, the name of the resignee may be returned to the eligible list from which appointed if such list has not expired. Approved requests received by the third Friday of the month become effective on the first business day of the following month unless otherwise ordered by the General Manager, Personnel.

Section 33.06. PROCEDURE FOR REVIEW OF RESIGNATION: SERVICES UNSATISFACTORY.

A. Notice of Proposed Action

If services are to be designated as unsatisfactory, the appointing officer or designated representative shall notify the resignee of intention to so certify the resignation. The resignee shall be informed of the reasons for this determination and be offered an opportunity for review by the appointing officer for review by the appointing officer or designated representative. IF AS A RESULT OF THE REVIEW THE APPOINTING OFFICER CERTIFIES THE SERVICES AS SATISFACTORY, THE APPOINTING OFFICER SHALL IMMEDIATELY SEND A COPY OF THE RESIGNATION FORM WITH SERVICES CLEARLY MARKED SATISFACTORY TO THE RESIGNEE AND TO THE GENERAL MANAGER, PERSONNEL.

((B. Action by Appointing Officer))

((As a result of review, if such review is requested by the resignee, the appointing officer may amend or sustain the certification of services.))

((C. Notification to Employee.))

((If the appointing officer amends the resignation, the resignee shall immediately be notified by copy of the resignation form with services clearly marked satisfactory. If the appointing officer sustains the original determination the appointing officer shall immediately notify the resignee and the Civil Service Commission on the prescribed personnel department form.))

B((D)). NOTIFICATION AND Report Requirement.

IF THE APPOINTING OFFICER CERTIFIES THE SERVICES AS UNSATISFACTORY, THE APPOINTING OFFICER SHALL IMMEDIATELY SO

NOTIFY THE RESIGNEE AND THE CIVIL SERVICE COMMISSION ON THE PRESCRIBED FORMS, WITH A CERTIFICATION ((A resignation certified by the appointing officer with services unsatisfactory shall be accompanied with a statement of the reasons for this action and shall contain a statement)) that the notification and review procedure outlined above was completed((.)) AND A STATEMENT OF THE REASONS FOR THE ACTION.

C((E)). ((Commission)) Procedure for Review.

((The Civil Service Commission shall consider)) A REVIEW SHALL BE MADE OF the resignation((s)) of A person((s)) whose services have been designated as unsatisfactory ONLY IF SO REQUESTED BY THE RESIGNEE. A REQUEST FOR REVIEW MUST BE MADE IN WRITING AND RECEIVED IN THE COMMISSION OFFICE WITHIN FOURTEEN (14) CALENDAR DAYS OF THE POSTMARK DATE OF THE NOTICE OF UNSATISFACTORY SERVICES. THE REVIEW AND HEARING PROCEDURE SHALL BE IN ACCORDANCE WITH RULE 5 and THE COMMISSION shall take one or more of the following actions:

1. Accept the resignation as certified.
2. Remove the name of the resignee from eligible lists on which there is standing.
3. Restrict participation in ((future)) examinations as ((it)) deemED((s just)) APPROPRIATE.
4. Restrict future employment as ((it)) deemED((s just)) APPROPRIATE.
5. Accept the resignation as certified and order that future employment be without restriction including:

a. FOR A PERSON RESIGNING FROM A PROBATIONARY OR CERTIFIED TEMPORARY APPOINTMENT, THE RIGHT TO REQUEST THAT THEIR NAME BE RETURNED TO THE ELIGIBLE LIST FROM WHICH APPOINTED;

b. FOR A PERSON RESIGNING FROM A PERMANENT, NON-PROBATIONARY APPOINTMENT, the right to request reappointment.

6. Remand the resignation to the appointing officer for reconsideration.

THE DECISION OF THE COMMISSION SHALL BE FINAL AND SHALL NOT BE RECONSIDERED.

D. FAILURE TO REQUEST REVIEW

FAILURE TO REQUEST A REVIEW WITHIN THE FOURTEEN (14) DAY PERIOD PROVIDED ABOVE SHALL RESULT IN:

1. THE CANCELLATION OF ALL CURRENT EXAMINATION AND ELIGIBILITY STATUS.

2. ALL FUTURE EMPLOYMENT AND EXAMINATION APPLICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE GENERAL MANAGER, PERSONNEL, AFTER SATISFACTORY COMPLETION OF ONE YEAR'S WORK EXPERIENCE OUTSIDE THE CITY AND COUNTY SERVICE.

3. THE RESIGNED EMPLOYEE MAY NOT BE EMPLOYED IN THE SAME DEPARTMENT IN THE FUTURE.

E.(((F)) Waiver of Employment

Pending FINAL action ((by the Commission)), the resignee shall be INELIGIBLE FOR ((under waiver of)) all employment IN THE CITY SERVICE.

SECTION 33.07. PROCESSING RESIGNATIONS WHEN NO WRITTEN NOTICE.

THE AUTOMATIC RESIGNATION PROCEDURE OUTLINED IN RULE 25 SHALL NOT BE USED TO REMOVE EMPLOYEES WHO HAVE INDICATED THEIR INTENTION TO RESIGN AND WHO LEAVE THEIR POSITION IN GOOD STANDING WITHOUT SUBMITTING PROPERLY COMPLETED RESIGNATION PAPERS AND WHO CANNOT BE LOCATED FOR THE PURPOSE OF SIGNING A RESIGNATION. THE APPOINTING OFFICER SHALL SUBMIT AN UNSIGNED RESIGNATION FORM ON BEHALF OF THE EMPLOYEE WITH A LETTER OF EXPLANATION ATTACHED. THE APPOINTING OFFICER SHALL SEND A COPY OF BOTH THE RESIGNATION FORM AND THE LETTER OF EXPLANATION TO THE EMPLOYEE BY CERTIFIED MAIL.

SECTION 33.08. EFFECTIVE DATE OF RULE CHANGE.

THE PROVISIONS OF THIS RULE AS ADOPTED ON _____, 1982 SHALL AFFECT ALL RESIGNATIONS EFFECTIVE ON OR AFTER _____, 1982.

9194B

(DRAFT, 5/27/82)

Proposed Amendments to Civil Service Commission

Rule 25 -- Absence From Duty Without Leave

Additions are in UPPERCASE AND UNDERLINED;

Deletions are shown by ((Double Brackets))

Section 25.01. WHEN FIVE DAYS OR LESS

Absence from duty without proper authorization for any period of time up to and including five (5) or less working days, shall be cause for disciplinary action by the appointing officer.

Section 25.02. WHEN OVER FIVE DAYS - AUTOMATIC RESIGNATION (((amended 4/4/77)))

A. Absence from duty without proper authorization in excess of five continuous working days shall constitute abandonment of the position and shall be reported to the ((Personnel Department)) CIVIL SERVICE COMMISSION and recorded as an automatic resignation. The appointing officer shall notify both the Civil Service Commission and the employee on the form prescribed by the General Manager, Personnel. The employee shall be notified by certified mail.

B. Such resignation shall be subject to appeal ((to the Commission,)) if so requested by the person in writing, within FOURTEEN (14) ((15)) calendar days of the mailing date of the notice of automatic resignation (((The 15 days includes the date on which the notice was mailed). The Commission shall hear

such appeal.)) THE APPEAL SHALL BE PROCESSED IN ACCORDANCE WITH THE REVIEW PROCEDURE PROVIDED IN RULE 6. The decision of the Commission shall be final and shall not be reconsidered.

C. Failure to appeal within the ((15)) FOURTEEN (14) day period shall result in:

1. The cancellation of all current examination and eligibility status.
2. All future applications will be subject to the review and approval of the General Manager, Personnel, after satisfactory completion of one year's work experience outside the City and County service.
3. The resigned employee may not be employed in the same department in the future.

D. If the person can present evidence of being unable to communicate with the ((appointing officer)) THE DEPARTMENT OR THE CIVIL SERVICE COMMISSION and presents such evidence in writing((,)) within thirty (30) calendar days of being able to so communicate, the automatic resignation may ((then)) be ((subject to)) reconsiderED((ation by)) UPON ORDER OF the ((Commission)) GENERAL MANAGER, PERSONNEL. ((All requests for reconsideration will be in writing and will be processed in accordance with the procedures for reconsideration outlined in Rule 5.))

E. Pending final action ((pursuant to this Rule)) an individual under automatic resignation shall be

INELIGIBLE FOR ALL EMPLOYMENT IN THE CITY SERVICE. ((placed under waiver on all eligible lists on which there is standing.))

F. ((In consideration)) ON REVIEW of an automatic resignation the Commission shall take one or more of the following actions:

1. Deny the appeal and approve the resignation.
2. Order the name of the person removed from any ((other regular)) eligible list or lists on which the((re is)) PERSON MAY HAVE STANDING standing.
3. Restrict participation in ((further)) examinations as ((it sees fit)) DEEMED APPROPRIATE.
4. Return the name to the eligible list under such conditions for further appointment ((it)) deemED((s)) appropriate.
5. Disapprove the resignation AND REINSTATE THE PERSON TO THE POSITION FROM WHICH REMOVED.

((Section 25.03. PROCESSING RESIGNATIONS WHEN NO WRITTEN NOTICE))

((The resignation procedure outlined in Section 25.02 shall not be used to remove employees who have indicated their intention to resign and who leave their position in good standing without submitting properly completed resignation papers

and who cannot be located for the purpose of signing a resignation. Such employees are to be separated in accordance with Rule 33 by the submission from the appointing officer of unsigned resignation papers with a letter or explanation attached. A copy of both the resignation and the accompanying letter are to be sent to the employee by certified mail.))

Section 25.03((04)). HEARING PROCEDURES.

Hearings pursuant to this Rule shall be conducted in accordance with the procedure outlined in Civil Service Commission Rule((s 6.01 and 5.13)) 6.

Section 25.04((05)). EFFECTIVE DATE OF RULE CHANGE

The AMENDMENTS TO ((provisions of)) this Rule as adopted on _____ ((April 4, 1977)) will be in effect on _____ ((April 13, 1977)).

9194B

City and County of San Francisco **Civil Service Commission**

June 28, 1982

TO: All Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM: John J. Walsh
General Manager, Personnel

SUBJECT: PROPOSED AMENDMENTS TO CIVIL SERVICE COMMISSION RULES GOVERNING EMPLOYEE SEPARATIONS.

At its meeting of June 21, 1982, the Civil Service Commission posted proposed amendments to the Civil Service Commission Rules relating to separation from the Service: Rule 6 - Separation Hearings and Procedures, Rule 25 - Absence from Duty Without Leave (Automatic Resignation), and Rule 33 - Resignation.

These Rules have been reviewed to develop an alternate procedure to the current requirement that the Civil Service Commission calendar and hear every separation matter. While the practice of hearing the termination of promotive probationary appointees has been continued in the proposals due to Charter mandate, all other separation hearings have been delegated to a hearing officer who will hear the case and submit written recommendations and reasons for those recommendations to the Commission. The matter would then be calendared with the hearing officers recommendations for Civil Service Commission action. The Commission would not take testimony or conduct a hearing unless a majority of the Commission so ordered.

In addition, there would be no hearings conducted under the proposals unless a separated employee requests such a hearing. Administrative action would be taken automatically under the Rules unless a request for hearing is received within fourteen (14) days of the effective date of the separation.

The source of hearing officers would be from the Civil Service Commission panel of hearing officers selected under current Rule 6, Section 6.06, to hear and determine charges for dismissal against permanent employees.

Other changes include standardization of the appeal period to fourteen (14) calendar days (two weeks) for all transactions, updating to reflect Charter changes, and recodification where required.

Requests to meet and confer or consult on this proposal must be in writing, received by July 9, 1982, and must include the name and telephone number of a contact person. Meetings will be scheduled at mutually convenient times. Requests are to be directed to Al Walker, Assistant Secretary, Civil Service Commission, Room 153 City Hall, San Francisco, California 94102-4693. Requests received after the deadline will not be considered.

Additional copies of these proposals are available in Room 153 City Hall.

Civil Service Commission

John J. Walsh
General Manager, Personnel

JJW:vl

(DRAFT, 6/29/82)

Proposed Amendments to Civil Service Commission Rule 6 -
SEPARATION HEARINGS AND PROCEDURES EXCLUDING DISCIPLINARY ACTION AGAINST STRIKING EMPLOYEES UNDER CHARTER SECTION 8.346.

Additions are in UPPERCASE AND UNDERLINED;
Deletions are shown by ((Double Brackets))

Section 6.01. RULES OF PROCEDURE GOVERNING SEPARATIONS ((HEARINGS))

A. Procedures IN THIS RULE govern((ing the following)) employees IN THE FOLLOWING STATUSES:

1. Regular Temporary (CERTIFIED TEMPORARY)
2. Limited Tenure
3. Probationary Entrance
4. Probationary Promotive
5. Permanent

B. NOTIFICATION OF TERMINATION

1. A notice of termination on the ((proper Personnel Department)) form PRESCRIBED BY THE GENERAL MANAGER, PERSONNEL from the appointing officer to the employee detailing the specific reason(s) for the termination, shall serve as official notice of such termination.

2. The notice of termination shall be sent TO THE EMPLOYEE by certified mail or BE personally delivered. ((Copies of the termination form must be filed in the Personnel Department.))

3. The stated reason(s) for the termination must be enumerated. Records of warnings, reprimands and previous suspensions, if applicable to the reasons for termination, must be attached to the termination form.

4. THE CIVIL SERVICE COMMISSION SHALL BE NOTIFIED OF THE TERMINATION SIMULTANEOUSLY WITH THE DELIVERY OR MAILING TO THE EMPLOYEE IN ACCORDANCE WITH PROCEDURES PRESCRIBED BY THE GENERAL MANAGER, PERSONNEL.

5. EXCEPT FOR PROMOTIVE PROBATIONARY EMPLOYEES, THE TERMINATED EMPLOYEE SHALL BE NOTIFIED THAT HE/SHE HAS THE RIGHT WITHIN FOURTEEN (14) CALENDAR DAYS OF THE EFFECTIVE DATE OF THE NOTICE OF TERMINATION TO REQUEST A REVIEW AS PROVIDED IN THIS RULE. FAILURE TO REQUEST A HEARING WITHIN THE FOURTEEN (14) DAY PERIOD WILL CONSTITUTE A WAIVER OF THE RIGHT TO REVIEW AND THE RIGHT TO A HEARING.

6. PROMOTIVE PROBATIONARY EMPLOYEES SHALL BE NOTIFIED OF THE RIGHT OF APPEAL AND HEARING BEFORE THE CIVIL SERVICE COMMISSION AS

PROVIDED IN CHARTER SECTION 8.340.

((The termination must be approved in accordance with Section 3.501 of the Charter. (amended 11/15/76)))

((The notice of termination must include the following information: (amended 11/15/76)))

((1. The employee has the right to: (amended 11/15/76)))

((a. A hearing before the Civil Service Commission. The decision of the Civil Service Commission may affect any future employment with the City and County of San Francisco.))

((b. Representation by an attorney or authorized representative of her/his own choice at the inquiry.))

((c. Notification of date, time and place of inquiry a reasonable time in advance.))

((d. Inspection by employee's attorney or authorized representative of those records and materials in the Civil Service Commission Office which relate to the termination.))

((2. Any interested party may request a continuance of the inquiry.))

((3. The stated reason(s) for the termination must be enumerated. Records of warnings, reprimand and previous suspensions, if applicable to the reasons for termination, must be attached to the termination form.))

((4. To the extent practicable, the departmental representative who has the most complete personal knowledge of the facts which constitute the basis for the termination shall appear when the matter is to be considered by the Commission. The matter will be heard in accordance with Rule 5, Section 5.13. Interested parties may record the inquiry if they provide the necessary equipment.))

Section 6.02. PROCEDURE FOR TERMINATION OF ((REGULAR)) CERTIFIED TEMPORARY EMPLOYEE

A. A ((regular)) temporary employee CERTIFIED AND APPOINTED FROM A LIST OF ELIGIBLES may be terminated by an appointing officer WITH THE APPROVAL OF THE CHIEF ADMINISTRATIVE OFFICER, BOARD OR COMMISSION AS REQUIRED BY CHARTER SECTION 3.501.

B. The notification and hearing procedure FOR THE DETERMINATION OF FUTURE EMPLOYABILITY shall be in accordance with the provisions of ((Rule 6, Section 6.01)) THIS RULE. (((amended 11/15/76)))

C. The Commission shall take one or more of the following actions: (((amended 11/15/76)))

((a))) 1. Declare the person dismissed from the service and remove the name of the person from the eligible list FROM WHICH APPOINTED.

((b))) 2. Order the name of the person removed from any other list or lists on which the person has eligibility.

((c))) 3. Restrict participation in ((further)) examinations as ((it)) deemED((s)) appropriate.

((d))) 4. Return the name of the person to the eligible list from which appointed without restriction, or under such conditions for further appointment as deemed appropriate.

Section 6.03. PROCEDURE FOR TERMINATION OF LIMITED TENURE EMPLOYEE

A. A limited tenure employee may be terminated for good cause by an appointing officer at any time with the approval of the Commission.

B. The notification and hearing procedure FOR APPROVAL OF THE TERMINATION AND DETERMINATION OF FUTURE EMPLOYABILITY shall be in accordance with the provisions of THIS Rule ((6, Section 6.01))

C. The Commission shall take one or more of the following actions:

((a))) 1. Approve the termination. ((and))

2. Declare the person dismissed from the Service.

((b))) 3. Order the name of the person removed from any ((regular)) eligible list or lists on which the person may have standing. (((amended 11/15/76)))

((c))) 4. Restrict participation in ((further)) examinations as ((it)) deemED((s)) appropriate.

((d))) 5. Disapprove the termination and reinstate the appointee to THE CLASS AND the department FROM WHICH TERMINATED.

Section 6.04. PROCEDURE FOR TERMINATION OF EMPLOYEE SERVING AN ENTRANCE PROBATIONARY PERIOD, EXCEPT FOR MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS ((EMPLOYEE IN AN ENTRANCE CLASSIFICATION.))

A. An employee serving ((in)) an entrance ((classification)) PROBATIONARY APPOINTMENT may be terminated by the appointing officer at any time during the probationary period.

B. The notification and hearing procedure((s)) FOR DETERMINATION OF FUTURE EMPLOYABILITY shall be in accordance with Section 8.340 of the Charter and with the provisions of THIS Rule. ((6, Section 6.01))

C. The Commission shall take one or more of the following actions:

((a))) 1. Declare the person dismissed, or return the name to the eligible list from which appointed under such conditions for further appointment ((it)) deemED((s)) appropriate.((, provided that certification to the same position will not be made if the termination was for disciplinary reasons.))

((b))) 2. Order the name of the person removed from any ((regular)) eligible list or lists on which the person may have standing. (((amended 11/15/76)))

((c))) 3. Restrict participation in ((further)) examinations as ((it)) deemED((s)) appropriate.

Section 6.05. PROCEDURE FOR APPEAL AND HEARING FOLLOWING TERMINATION OF EMPLOYEE SERVING A PROMOTIONAL PROBATIONARY PERIOD ((IN A PROMOTIONAL CLASSIFICATION)) EXCEPT FOR MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS

((a)) A. An employee serving ((probation in)) a promotional ((classification)) PROBATIONARY PERIOD IN A CLASSIFICATION OTHER THAN AS A MEMBER OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS may be terminated by the appointing officer at any time during the probationary period.

B. The termination shall be in accordance with Section 8.340 of the Charter and applicable procedures in THIS Rule ((6, Section 6.01)).

C. The employee shall have the right of appeal and hearing before the Commission.

D. Notice of appeal shall be filed in writing ((in)) WITH the Civil Service ((Department)) COMMISSION within FOURTEEN (14) CALENDAR ((ten (10) working)) days (((excluding Saturdays, Sundays and Holidays))) following the EFFECTIVE date of THE NOTICE OF termination ((of appointment)).

E. The Commission will announce the time and place of hearing which shall be as soon thereafter as convenient to all parties.

F. The Commission shall render its decision within thirty (30) days after receipt of the notice of termination, and

(((a))) 1. ((m))May direct such person dismissed, or

(((b))) 2. ((d)) Declare such person reinstated in the position and may order that the employee be paid salary from the time of termination of appointment, or

(((c))) 3. ((o))Order the return of such person to ((the)) A position IN THE CLASS from which promoted AND MAY IN ITS DISCRETION RETURN THE NAME TO THE LIST OF ELIGIBLES FOR THE CLASS FROM WHICH TERMINATED.

G. The decision of the Commission OR THE ACTION TAKEN IN

THE EVENT NO APPEAL IS FILED shall be final AND NO RECONSIDERATION REQUEST SHALL BE ALLOWED.

H. Pending decision of the Commission, the appointing officer has the option to restore the employee to duty in a position in the class from which promoted. If the position was under another appointing officer, that appointing officer's approval to such reinstatement shall be required.

Section 6.06 PROCEDURE FOR DISMISSAL OF ((REGULAR)) PERMANENT EMPLOYEE EXCEPT MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS. (((Entire Section Amended 1/8/79)))

((a))) A. Discharge of Permanent Employee

A ((regular)) permanent employee may be discharged for cause upon written charges and after having an opportunity to be heard in her/his own defense. THE EMPLOYEE MAY BE REPRESENTED BY COUNSEL OR OTHER REPRESENTATIVE. (((Amended 2/2/76)))

((b))) B. Notification of Time and Place of Hearing

When the charges are made, the appointing officer shall notify the person in writing of the time and place where the charges will be heard by mailing such statement Via Certified Mail to her/his last known address. Such hearing shall not be held within five (5) working days of the date on which the notice is mailed. ((The Employee may be represented by counsel or other representatives of her/his own choosing. (Amended 11/15/79))) ANY PARTY REQUESTING A CONTINUANCE OF A HEARING SHALL PROMPTLY NOTIFY THE HEARING OFFICER AND ALL OTHER PARTIES TO THE ACTION OF THE REQUEST FOR CONTINUANCE AND THE REASONS FOR THE REQUEST. THE HEARING OFFICER SHALL DETERMINE WHETHER A CONTINUANCE WILL BE GRANTED.

((c))) C. Hearing Officer - Sources

The hearing itself, as required by the Charter (Section 8.341), shall be conducted by a hearing officer under contract to the appointing officer, chosen as follows in each case:

1. From organizations such as the American Arbitration Association or the State Conciliation Service which customarily provide hearing officers, or

2. From a list of qualified hearing officers certified by the Civil Service Commission, such list to be kept current and to contain at all times at least three names.

((d))) D. Hearing Officer - Method of Selection

The Civil Service Commission shall certify its list of hearing officers by the following method:

1. The Commission shall ((cause to be)) publish((ed)) in a newspaper of general circulation an announcement of openings for hearing officers. This announcement shall run either for a period of five (5) working days or for two weekends, at the discretion of the Commission.

2. The Commission shall include in its list only such applicants as satisfy the following criteria:

i. Have at least one year of experience in the conduct of judicial hearings in the capacity of a hearing officer.

ii. Have experience in the resolution of disputes involving the interpretation of labor-management contracts.

3. The Civil Service Commission shall post the list of panel members so selected for a period of five (5) working days during which time employees, the public employee organizations or city departments may seek to demonstrate in writing that any member of the panel is unacceptable. The General Manager, Personnel, shall review such challenges and shall determine whether on the basis of the challenge the individual should be eliminated from the approved list.

((e))) E. Hearing Officer - Challenge by Employee

The employee may challenge the competence of the hearing officer who is scheduled to hear THE ((his/her)) case on the basis that the officer is in some demonstrable manner biased or prejudiced against the employee and ((that, therefore,)) the employee will not be afforded a fair hearing. The challenge must be made in the following manner.

1. The challenge must be by written affidavit.

2. The challenge must be received by the appointing officer at least twenty-four (24) hours prior to the commencement of the hearing.

((3.)) IN THE EVENT THAT THE APPOINTING OFFICER DETERMINES THAT THE HEARING OFFICER CANNOT AFFORD THE EMPLOYEE A FAIR HEARING, THE APPOINTING OFFICER SHALL IMMEDIATELY MAKE ARRANGEMENTS TO OBTAIN THE SERVICES OF ANOTHER HEARING OFFICER. Should the challenge cause the department to incur expense through the cancellation of the hearing officer, court reporter, etc., such expenses shall be borne by the

employee in keeping with the section on costs below. If the employee has been placed on suspension pending the hearing, any delay in the hearing occasioned through challenge or replacement of a hearing officer shall be considered a delay of the hearing by act of the accused employee and shall extend ((indefinitely)) the thirty-day period referred to in Charter Section 8.341. ((In the event that the appointing officer shall determine that the hearing officer cannot afford the employee a fair hearing, the appointing officer shall immediately make arrangements to obtain the services of another hearing officer in accordance with the methods stated above.))

((f))) F. Hearing Officer - Evidence to be Considered

The hearing officer shall decide the case on the basis of the evidence presented. The hearing officer shall determine whether the accused employee has adhered to the applicable orders, rules, regulations, ordinance, charter provisions or applicable sections of any MEMORANDUM OF AGREEMENT (MOA) ((or)) MEMORANDUM OF UNDERSTANDING (MOU), OR LETTER OF UNDERSTANDING (LOU). The hearing officer shall be prohibited from considering the relative merits or social desirability of such orders, rules, regulations, ordinance, charter provisions or sections of MOU's or MOA's as may be applicable to the case.

((g)) G. Hearing Officer - Decision

Within five (5) working days of the close of the hearing, unless specifically exempted for good cause by the appointing officer, the hearing officer shall notify the appointing officer in writing of his decision in the case. The hearing officer shall be limited to the following options in deciding the case:

1. ((The hearing officer may e)) Exonerate the employee, in which case the ((record)) HEARING OFFICER may: ((at the discretion of the hearing officer be expunged and the employee may receive back pay for all time lost.))

a. REMIT THE FULL PERIOD OF THE SUSPENSION OR ANY PORTION THEREOF;

b. ORDER PAYMENT OF SALARY TO THE EMPLOYEE FOR THE PERIOD OF TIME UNDER SUSPENSION. IF ANY PERIOD OF THE SUSPENSION IS REMITTED, THE REPORT OF SUCH PERIOD OF SUSPENSION SHALL BE EXPUNGED FROM ALL RECORDS OF SERVICE OF THE EMPLOYEE.

2. ((The hearing officer may f)) Find the employee guilty

as charged, in which case the ((following three provisions apply)) HEARING OFFICER MAY:

((i.)) a. ((The hearing officer may o)) Order the employee returned to work, but without back pay for any time ((not worked between the time charges were made and the time of)) THAT THE EMPLOYEE HAS BEEN PLACED ON SUSPENSION PENDING the hearing ((or the time the hearing officer renders a)) AND decision((, whichever is longer)) ON THE CHARGE(S).

((ii.)) b. ((The hearing officer may s)) Suspend the employee without pay, ((but)) AND may ((or may not at his discretion)) order back pay for any periods not worked prior to the hearing.

((iii.)) c. ((The hearing officer may d)) Dismiss the employee. (((Amended 2/2/76)))

((h)) H. Notification of Decision of Hearing Officer

Within five (5) working days after the appointing officer receives written notification of the decision of the hearing officer, ((he)) THE APPOINTING OFFICER shall inform the employee in writing of the decision of the hearing officer and shall by copy of this correspondence and the written notification from the hearing officer inform the Civil Service Commission of the decision and the action taken.

((i)) I. Costs

The department bringing charges against an employee shall pay all fees for hearing officers and court reporters, ((and, if required, the cost of preparation of the transcript,)) with the following exception:

If additional costs are incurred as a result of any request of the employee (such as costs occasioned by the untimely postponement of a hearing, challenges of hearing officer, etc.), all such additional costs((, such as cancellation fees or fees when court reporters cannot be notified of the cancellation of a hearing within their established and customary limits)) shall be borne by the employee.

Section 6.07. ((PROCEDURE FOR APPEAL FOLLOWING DISMISSAL OF REGULAR PERMANENT EMPLOYEES (superseded by Amendment to Charter Section 8.341 Proposition B - November 7, 1978)))

PROCEDURE FOR DISMISSAL AND TERMINATION OF MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS.

A. DISMISSAL AND TERMINATION OF MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS SHALL BE AS PROVIDED IN THE

CHARTER.

B. THE CIVIL SERVICE COMMISSION SHALL IMMEDIATELY BE NOTIFIED ON THE PRESCRIBED FORM OF SEPARATIONS OF MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS.

C. THE PROCEDURE TO DETERMINE FUTURE EMPLOYABILITY IN THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS SHALL BE AS PROVIDED IN THIS RULE.

Section 6.08 ((EFFECT OF DISMISSAL OF REGULAR PERMANENT EMPLOYEE WHEN NO APPEAL FILED (Superseded by Amendment to Charter Section 8.341 - Proposition B - Novmeber 7, 1978)))

FAILURE TO APPEAL OR TO REQUEST HEARING

CERTIFIED TEMPORARY, ENTRANCE PROBATIONARY AND PERMANENT APPOINTEES WHO ARE DISMISSED OR TERMINATED, INCLUDING MEMBERS OF THE UNIFORMED RANKS OF THE POLICE AND FIRE DEPARTMENTS, WHO DESIRE A HEARING ON THEIR FUTURE EMPLOYABILITY, OR FOR LIMITED TENURE APPOINTEES WHO DESIRE A HEARING ON APPROVAL OF THEIR TERMINATION FROM LIMITED TENURE APPOINTMENT AND FUTURE EMPLOYABILITY, SHALL MAKE SUCH REQUEST IN WRITING WITHIN FOURTEEN (14) CALENDAR DAYS OF THE EFFECTIVE DATE OF THE TERMINATION OR DISMISSAL. PROMOTIVE PROBATIONARY APPOINTEES WHO WISH TO APPEAL THEIR TERMINATION SHALL DO SO IN WRITING WITHIN FOURTEEN (14) CALENDAR DAYS OF THE EFFECTIVE DATE OF THE NOTICE OF TERMINATION. FAILURE TO MAKE SUCH TIMELY WRITTEN REQUEST SHALL CONSTITUTE A FORFEITURE OF THE RIGHT TO A HEARING AND THE FOLLOWING ACTION SHALL BE TAKEN:

A. THE CANCELLATION OF ALL CURRENT EXAMINATION AND ELIGIBILITY STATUS.

B. FUTURE EMPLOYMENT SHALL REQUIRE THE APPROVAL OF THE GENERAL MANAGER, PERSONNEL.

C. ONE YEAR'S SATISFACTORY WORK EXPERIENCE OUTSIDE THE CITY AND COUNTY SERVICE SHALL BE REQUIRED PRIOR TO REAPPLICATION FOR EMPLOYMENT OR PARTICIPATION IN EXAMINATIONS.

D. FUTURE EMPLOYMENT IN THE DEPARTMENT FROM WHICH DISCHARGED SHALL BE PROHIBITED.

SECTION 6.09. HEARING PROCEDURES

IF A TIMELY WRITTEN REQUEST FOR HEARING IS FILED, THE GENERAL MANAGER, PERSONNEL SHALL NOTIFY THE PERSON AND THE DEPARTMENT OF THE DATE, TIME AND PLACE OF THE HEARING. UPON RECEIPT OF SUCH NOTICE THE DEPARTMENT SHALL IMMEDIATELY SUBMIT THE PERSON'S PRIOR WORK RECORD AND

RECORDS OF ANY PRIOR DISCIPLINARY ACTIONS TO THE CIVIL SERVICE COMMISSION.

A. GENERAL HEARING PROCEDURES

PERSONS SCHEDULED FOR HEARING UNDER THIS RULE SHALL BE ENTITLED TO THE FOLLOWING:

1. REPRESENTATION BY COUNSEL OR OTHER REPRESENTATIVE.

2. NOTIFICATION OF THE DATE, TIME AND PLACE OF THE HEARING.

3. INSPECTION OF ANY OF THE RECORDS AND MATERIALS WHICH RELATE TO THE SEPARATION, PRIOR WORK RECORD, AND PRIOR DISCIPLINARY ACTIONS.

4. ANY INTERESTED PARTY MAY REQUEST A CONTINUANCE OF THE HEARING. SUCH REQUEST FOR CONTINUANCE SHALL BE PROMPTLY MADE TO THE COMMISSION AS SOON AS THE NECESSITY FOR A CONTINUANCE BECOMES KNOWN.

TO THE EXTENT PRACTICABLE, THE DEPARTMENTAL REPRESENTATIVE WHO HAS THE MOST COMPLETE PERSONAL KNOWLEDGE OF THE FACTS WHICH CONSTITUTE THE BASIS FOR THE SEPARATION SHALL APPEAR AT THE HEARING. THE MATTER WILL BE HEARD IN ACCORDANCE WITH RULE 5, SECTION 5.13. INTERESTED PARTIES MAY RECORD THE HEARING IF THEY PROVIDE THE NECESSARY EQUIPMENT.

B. REVIEW BY HEARING OFFICER

1. HEARINGS SHALL BE CONDUCTED BY A HEARING OFFICER SELECTED FROM THE CIVIL SERVICE COMMISSION PANEL AS PROVIDED IN THIS RULE.

2. THE HEARING OFFICER SHALL CONSIDER THE CIRCUMSTANCES AND REASONS FOR THE SEPARATION FROM SERVICE AND MAY CONSIDER THE PRIOR WORK RECORD OF THE PERSON AS WELL AS PRIOR DISCIPLINARY ACTIONS.

3. WITHIN FIVE (5) BUSINESS DAYS OF THE HEARING, THE HEARING OFFICER SHALL PREPARE WRITTEN RECOMMENDATIONS AND REASONS THEREFOR. THE RECOMMENDATIONS SHALL BE CONSISTENT WITH THE CHARTER AND THESE RULES.

4. THE WRITTEN RECOMMENDATIONS AND REASONS THEREFOR, TOGETHER WITH SUCH OTHER DOCUMENTS AS THE HEARING OFFICER RELIED UPON IN REACHING A DECISION, SHALL BE FORWARDED TO THE CIVIL SERVICE COMMISSION FOR ITS RATIFICATION.

5. THE CIVIL SERVICE COMMISSION SHALL NOTIFY THE PARTIES OF THE HEARING OFFICER'S RECOMMENDATIONS AND REASONS THEREFOR, AND THE TIME, DATE AND PLACE OF THE CIVIL SERVICE COMMISSION MEETING.

6. ALL COMMENTS ON THE HEARING OFFICER'S RECOMMENDATIONS SHALL BE SUBMITTED TO THE CIVIL SERVICE COMMISSION OFFICE, WITH SEVEN (7) COPIES, AT LEAST FIVE (5) DAYS PRIOR TO THE MEETING. NO OTHER COMMENTS WILL BE ALLOWED AT THE MEETING UNLESS OTHERWISE ORDERED BY A MAJORITY OF THE COMMISSIONERS.

7. THE DECISION OF THE COMMISSION SHALL BE FINAL AND SHALL NOT BE RECONSIDERED.

Section ((6.09)) 6.10. PROCEDURE FOR HEARING ON CHARGES AGAINST AN EMPLOYEE WHEN THE APPOINTING OFFICER NEGLECTS OR REFUSES TO ACT.

When the appointing officer neglects or refuses to act, pertaining to the removal of any employee subject to the civil service provisions of the Charter, the Commission may hear and determine any charge filed by a citizen, or by an authorized agent of the Commission. In rendering its decision, the Commission shall determine the charges and may exonerate, suspend or dismiss the accused employee in accordance with the provisions of Section 8.341 of the Charter.

The appointing officer or the departmental representative shall appear when the matter is to be considered. The matter will be heard in accordance with Rule 5, Section 5.13 - Order of Presentation.

Section ((6.10)) 6.11. ELIGIBILITY STATUS PENDING COMMISSION ACTION ((ON DISCIPLINARY TERMINATION))

Pending action of the Commission on termination of any appointment or upon presentation of charges for dismissal, the ((name of the)) appointee shall be INELIGIBLE FOR ALL EMPLOYMENT IN THE CITY SERVICE. ((placed under waiver for all appointment(s) on any eligible list on which the appointee has standing. ((Amended 11/15/76)))

((Section 6.11 EFFECT OF COMMISSION APPROVAL OF TERMINATION OR DISMISSAL))

((Unless specifically ordered otherwise by the Commission, approval of termination or dismissal shall result in the cancellation of all current examination and eligibility status and all future applications will require the approval of the General Manager, Personnel, after completion of one year's satisfactory work experience outside the City and County service. (Amended 11/15/76)))

9243B

(DRAFT, 5/27/82)

Proposed Amendments to Civil Service Commission

Rule 25 - Absence From Duty Without Leave

Additions are in UPPERCASE AND UNDERLINED;

Deletions are shown by ((Double Brackets))

Section 25.01. WHEN FIVE DAYS OR LESS

Absence from duty without proper authorization for any period of time up to and including five (5) or less working days, shall be cause for disciplinary action by the appointing officer.

Section 25.02. WHEN OVER FIVE DAYS - AUTOMATIC RESIGNATION (((amended 4/4/77)))

A. Absence from duty without proper authorization in excess of five continuous working days shall constitute abandonment of the position and shall be reported to the ((Personnel Department)) CIVIL SERVICE COMMISSION and recorded as an automatic resignation. The appointing officer shall notify both the Civil Service Commission and the employee on the form prescribed by the General Manager, Personnel. The employee shall be notified by certified mail.

B. Such resignation shall be subject to appeal ((to the Commission,)) if so requested by the person in writing, within FOURTEEN (14) ((15)) calendar days of the mailing date of the notice of automatic resignation (((The 15 days includes the date on which the notice was mailed). The Commission shall hear such appeal.)) THE APPEAL SHALL BE PROCESSED IN ACCORDANCE WITH THE REVIEW PROCEDURE PROVIDED IN RULE 6. The decision of the Commission shall be final and shall not be reconsidered.

C. Failure to appeal within the ((15)) FOURTEEN (14) day period shall result in:

1. The cancellation of all current examination and eligibility status.
2. All future applications will be subject to the review and approval of the General Manager, Personnel, after satisfactory completion of one year's work experience outside the City and County service.

3. The resigned employee may not be employed in the same department in the future.

D. If the person can present evidence of being unable to communicate with the ((appointing officer)) THE DEPARTMENT OR THE CIVIL SERVICE COMMISSION and presents such evidence in writing((,)) within thirty (30) calendar days of being able to so communicate, the automatic resignation may ((then)) be ((subject to)) reconsiderED((ation by)) UPON ORDER OF the ((Commission)) GENERAL MANAGER, PERSONNEL. ((All requests for reconsideration will be in writing and will be processed in accordance with the procedures for reconsideration outlined in Rule 5.))

E. Pending final action ((pursuant to this Rule)) an individual under automatic resignation shall be INELIGIBLE FOR ALL EMPLOYMENT IN THE CITY SERVICE. ((placed under waiver on all eligible lists on which there is standing.))

F. ((In consideration)) ON REVIEW of an automatic resignation the Commission shall take one or more of the following actions:

1. Deny the appeal and approve the resignation.
2. Order the name of the person removed from any ((other regular)) eligible list or lists on which the((re is)) PERSON MAY HAVE STANDING standing.
3. Restrict participation in ((further)) examinations as ((it sees fit)) DEEMED APPROPRIATE.
4. Return the name to the eligible list under such conditions for further appointment ((it)) deemED((s)) appropriate.
5. Disapprove the resignation AND REINSTATE THE PERSON TO THE POSITION FROM WHICH REMOVED.

((Section 25.03. PROCESSING RESIGNATIONS WHEN NO WRITTEN NOTICE))

((The resignation procedure outlined in Section 25.02 shall not be used to remove employees who have indicated their intention to resign and who leave their position in good standing without submitting properly completed resignation papers and who cannot be located for the purpose of signing a resignation. Such employees are to be separated in accordance with Rule 33 by the submission from the

appointing officer of unsigned resignation papers with a letter or explanation attached. A copy of both the resignation and the accompanying letter are to be sent to the employee by certified mail.))

Section 25.03((04)). HEARING PROCEDURES.

Hearings pursuant to this Rule shall be conducted in accordance with the procedure outlined in Civil Service Commission Rule((s 6.01 and 5.13)) 6.

Section 25.04((05)). EFFECTIVE DATE OF RULE CHANGE

The AMENDMENTS TO ((provisions of)) this Rule as adopted on _____ ((April 4, 1977)) will be in effect on _____ ((April 13, 1977)).

9194B

(DRAFT, 5/27/82)

Proposed Amendments to Civil Service Commission

Rule 33 - Resignation

Additions are in UPPERCASE AND UNDERLINED;

Deletions are shown by ((Double Brackets))

Section 33.01. FORM.

A resignation shall be immediately reported on the FORM prescribed BY ((form to either)) the General Manager, Personnel. ((, or to the Civil Service Commission as provided below.)) If an employee resigns without completing the form, but otherwise gives notification in writing of ((her/his)) resignation, such notification shall be attached to the form. (((amended 10/16/78)))

Section 33.02. CERTIFICATON AND DISPOSITION.

The appointing officer shall certify on the resignation form whether the resignee's services have been satisfactory or unsatisfactory. IF SERVICES ARE CERTIFIED AS SATISFACTORY ((T))the resignation FORM shall be forwarded to the General Manager, Personnel, for recordation. IF SERVICES ARE CERTIFIED AS UNSATISFACTORY, THE RESIGNATION SHALL BE PROCESSED IN ACCORDANCE WITH THIS RULE. ((if services were satisfactory and to the Civil Service Commission for determination of future employability if services were unsatisfactory. (amended 10/16/78)))

Section 33.03. EFFECTIVE DATE OF RESIGNATION - WHEN FINAL.

A resignation shall be final on the effective date entered on the resignation form and shall not thereafter be rescinded. (((amended 10/16/78)))

Section 33.04. SATISFACTORY SERVICE - PERMANENT APPOINTEES.

A permanent appointee who has completed the probationary period and who resigns and whose services have been certified as satisfactory by the appointing officer shall be permanently separated from such appointment except as provided in the Reappointment Rule. (((amended 1/3/77; 10/16/78)))

Section 33.05. SATISFACTORY SERVICE - PROBATIONARY OR TEMPORARY APPOINTEES.

An employee under probationary or temporary appointment who resigns

and whose services have been certified as satisfactory by the appointing officer shall be removed from the eligible list from which appointed except upon written request and with the approval of the General Manager, Personnel, the name of the resignee may be returned to the eligible list from which appointed if such list has not expired. Approved requests received by the third Friday of the month become effective on the first business day of the following month unless otherwise ordered by the General Manager, Personnel.

Section 33.06. PROCEDURE FOR REVIEW OF RESIGNATION: SERVICES UNSATISFACTORY.

A. Notice of Proposed Action

If services are to be designated as unsatisfactory, the appointing officer or designated representative shall notify the resignee of intention to so certify the resignation. The resignee shall be informed of the reasons for this determination and be offered an opportunity for review by the appointing officer for review by the appointing officer or designated representative. IF AS A RESULT OF THE REVIEW THE APPOINTING OFFICER CERTIFIES THE SERVICES AS SATISFACTORY, THE APPOINTING OFFICER SHALL IMMEDIATELY SEND A COPY OF THE RESIGNATION FORM WITH SERVICES CLEARLY MARKED SATISFACTORY TO THE RESIGNEE AND TO THE GENERAL MANAGER, PERSONNEL.

((B. Action by Appointing Officer))

((As a result of review, if such review is requested by the resignee, the appointing officer may amend or sustain the certification of services.))

(((C. Notification to Employee.))

((If the appointing officer amends the resignation, the resignee shall immediately be notified by copy of the resignation form with services clearly marked satisfactory. If the appointing officer sustains the original determination the appointing officer shall immediately notify the resignee and the Civil Service Commission on the prescribed personnel department form.))

B((D)). NOTIFICATION AND Report Requirement.

IF THE APPOINTING OFFICER CERTIFIES THE SERVICES AS UNSATISFACTORY, THE APPOINTING OFFICER SHALL IMMEDIATELY SO NOTIFY THE RESIGNEE AND THE CIVIL SERVICE COMMISSION ON THE PRESCRIBED FORMS, WITH A CERTIFICATION

((A resignation certified by the appointing officer with services unsatisfactory shall be accompanied with a statement of the reasons for this action and shall contain a statement)) that the notification and review procedure outlined above was completed((.)) AND A STATEMENT OF THE REASONS FOR THE ACTION.

C((E)). ((Commission)) Procedure for Review.

((The Civil Service Commission shall consider)) A REVIEW SHALL BE MADE OF the resignation((s)) of A person((s)) whose services have been designated as unsatisfactory ONLY IF SO REQUESTED BY THE RESIGNEE. A REQUEST FOR REVIEW MUST BE MADE IN WRITING AND RECEIVED IN THE COMMISSION OFFICE WITHIN FOURTEEN (14) CALENDAR DAYS OF THE POSTMARK DATE OF THE NOTICE OF UNSATISFACTORY SERVICES. THE REVIEW AND HEARING PROCEDURE SHALL BE IN ACCORDANCE WITH RULE 6 and THE COMMISSION shall take one or more of the following actions:

1. Accept the resignation as certified.
2. Remove the name of the resignee from eligible lists on which there is standing.
3. Restrict participation in ((future)) examinations as ((it)) deemED((s just)) APPROPRIATE.
4. Restrict future employment as ((it)) deemED((s just)) APPROPRIATE.
5. Accept the resignation as certified and order that future employment be without restriction including:

   a. FOR A PERSON RESIGNING FROM A PROBATIONARY OR CERTIFIED TEMPORARY APPOINTMENT, THE RIGHT TO REQUEST THAT THEIR NAME BE RETURNED TO THE ELIGIBLE LIST FROM WHICH APPOINTED;

   b. FOR A PERSON RESIGNING FROM A PERMANENT, NON-PROBATIONARY APPOINTMENT, the right to request reappointment.
6. Remand the resignation to the appointing officer for reconsideration.

THE DECISION OF THE COMMISSION SHALL BE FINAL AND SHALL NOT BE RECONSIDERED.

D. FAILURE TO REQUEST REVIEW

FAILURE TO REQUEST A REVIEW WITHIN THE FOURTEEN (14) DAY PERIOD PROVIDED ABOVE SHALL RESULT IN:

1. THE CANCELLATION OF ALL CURRENT EXAMINATION AND ELIGIBILITY STATUS.

2. ALL FUTURE EMPLOYMENT AND EXAMINATION APPLICATIONS SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE GENERAL MANAGER, PERSONNEL, AFTER SATISFACTORY COMPLETION OF ONE YEAR'S WORK EXPERIENCE OUTSIDE THE CITY AND COUNTY SERVICE.

3. THE RESIGNED EMPLOYEE MAY NOT BE EMPLOYED IN THE SAME DEPARTMENT IN THE FUTURE.

E.(((F)) Waiver of Employment

Pending FINAL action ((by the Commission)), the resignee shall be INELIGIBLE FOR ((under waiver of)) all employment IN THE CITY SERVICE.

SECTION 33.07. PROCESSING RESIGNATIONS WHEN NO WRITTEN NOTICE.

THE AUTOMATIC RESIGNATION PROCEDURE OUTLINED IN RULE 25 SHALL NOT BE USED TO REMOVE EMPLOYEES WHO HAVE INDICATED THEIR INTENTION TO RESIGN AND WHO LEAVE THEIR POSITION IN GOOD STANDING WITHOUT SUBMITTING PROPERLY COMPLETED RESIGNATION PAPERS AND WHO CANNOT BE LOCATED FOR THE PURPOSE OF SIGNING A RESIGNATION. THE APPOINTING OFFICER SHALL SUBMIT AN UNSIGNED RESIGNATION FORM ON BEHALF OF THE EMPLOYEE WITH A LETTER OF EXPLANATION ATTACHED. THE APPOINTING OFFICER SHALL SEND A COPY OF BOTH THE RESIGNATION FORM AND THE LETTER OF EXPLANATION TO THE EMPLOYEE BY CERTIFIED MAIL.

SECTION 33.08. EFFECTIVE DATE OF RULE CHANGE.

THE PROVISIONS OF THIS RULE AS ADOPTED ON _____, 1982 SHALL AFFECT ALL RESIGNATIONS EFFECTIVE ON OR AFTER _____, 1982.

9194B

August 20, 1982

M E M O R A N D U M

To : All Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

From : John J. Walsh
General Manager, Personnel

SUBJECT: PROPOSED RULE 37 - SENIOR MANAGEMENT SERVICE

Attached is proposed Civil Service Rule 37 on the Senior Management Service.

Requests to meet and confer or consult on this proposal must be received in writing by September 3, 1982 and must include the name and telephone number of a contact person. Meetings will be scheduled at mutually convenient times. Requests are to be directed to Jean Pral, Senior Management Service Project Director, 646 Van Ness Avenue, Room 240, San Francisco, CA 94102-4693. Requests received after the deadline will not be considered.

Additional copies of this proposal are available in Room 153 City Hall.

CIVIL SERVICE COMMISSION

John J. Walsh
General Manager, Personnel

Att.

JJW/mjp

August 20, 1982

(P R O P O S E D)

RULE 37

SENIOR MANAGEMENT SERVICE

Section 37.01 POLICY STATEMENT

A. PURPOSE

The Senior Management Service (hereinafter referred to as SMS) is established to promote more effective and efficient management performance throughout the City. Its purposes shall be to link management pay to performance; promote management accountability; link career advancement to job performance; and identify and recognize competent managers. SMS promotes management improvement by using explicit Management-by-Objectives (MBO) standards to evaluate managers' performance and link performance to pay, subject to applicable provisions of the Charter and Salary Standardization Ordinance. The identification, advancement, and recognition of competent managers will be furthered.

B. ENROLLMENT

Membership in SMS shall be voluntary during the initial enrollment period. Incumbents in SMS designated classes shall be given a minimum of 120 days from a date specified by the General Manager, Personnel to enroll in SMS. The General Manager, Personnel, shall establish a closing date by posting a notice 30 days prior to such date. Persons appointed to SMS designated classes thereafter shall participate in SMS. Other than as provided herein, appointment to a SMS designated Civil Service position shall be by competitive examination.

C. CAREER MOBILITY

Examinations in SMS shall be competitive and held on a combined entrance and promotive basis. Assignments and transfers to further career mobility and professional opportunities to develop and improve managerial skills shall be encouraged.

D. AFFIRMATIVE ACTION GOALS

SMS shall be administered so as to further the affirmative action objectives of the City. Equal employment opportunities shall be encouraged in all aspects of SMS including recruitment, examinations and employee development.

E. APPLICABILITY OF CIVIL SERVICE RULES

Except as specifically provided herein, all other Civil Service Commission Rules shall apply to SMS participants.

Section 37.02 DEFINITIONS

Terms not specifically defined below shall have the same meaning as that used elsewhere in these Rules.

A. Enrollment Period - the period during which incumbents in SMS-designated classes shall be eligible to join SMS.

B. Former Class - The class in which permanent appointment was held by an employee immediately prior to reclassification.

C. Management Performance Evaluation System - The process used to appraise the competence and effectiveness of management - level personnel, including SMS participants. Administration of the system is covered by a set of management performance evaluation procedures approved by the General Manager, Personnel.

D. Participant - An employee who has entered SMS, either by joining during the enrollment period or by competitive examination.

E. Salary Increment - A percentage increase in salary based on a participant's performance evaluation and seniority, as provided for in the Salary Standardization Ordinance. These provisions shall not apply to temporary employees.

F. Senior Management Service (SMS) - The system, comprised of classes designated by the General Manager, Personnel, that is governed by provisions of this Rule and the SMS section of the Salary Standardization Ordinance.

Section 37.03 ELIGIBLE LISTS

Unless otherwise determined by the Civil Service Commission, lists of eligibles for SMS-designated classes subject to a classification survey will not be utilized for appointment to new classes resulting therefrom.

Section 37.04 PROBATIONARY PERIOD

All Civil Service employees in SMS classes which are not specifically exempt from the Civil Service provisions of the Charter shall serve a one (1) year probationary period. A mid-probationary evaluation report shall be prepared at the end of the fifth month. The final probationary evaluation report shall be prepared at the end of the eleventh month and be submitted prior to the end of the probationary period.

Section 37.05 PERFORMANCE EVALUATION

Performance of all employees in SMS designated classes shall be evaluated according to the procedures of the management performance evaluation system as defined elsewhere in this Rule and referred to in this section as evaluation reports.

A. ADVANCEMENT THROUGH THE SALARY STEPS

Advancement through the salary steps for SMS participants shall be based on seniority and performance according to provisions set forth in the Salary Standardization Ordinance. These provisions shall not apply to temporary employees.

B. SCHEDULE OF EVALUATION REPORTS FOR DETERMINATION OF SALARY INCREMENTS

1. Participants who join SMS during the enrollment period who are not at the top step in the compensation schedule shall receive their next regularly scheduled seniority increment. Thereafter, salary increments will no longer be awarded automatically and participants shall have their performance evaluated at the eleventh month of each year of service for determination, if otherwise eligible, of salary increments.

2. Participants who enter SMS by examination at the first step in the compensation schedule shall have their performance evaluated at the end of the fifth month of service for determination of salary increments. Performance shall be evaluated at the eleventh month of service each year thereafter for determination, if otherwise eligible, of salary increments.

3. Participants who enter SMS by examination at other than the first step in the compensation schedule shall have their performance evaluated at the eleventh month of each year of service for determination, if otherwise eligible, of salary increments.

C. REVIEW OF PERFORMANCE EVALUATION REPORTS

Performance evaluations shall be reported on a prescribed form and in accordance with procedures and instructions approved by the General Manager, Personnel, and shall be the basis for determining salary increments, except as provided elsewhere in these Rules. The General Manager, Personnel or designee is responsible for reviewing evaluation reports as submitted by the Appointing Officer for the purpose of approving or disapproving based on adequacy of documentation for determination of salary increments. Copies of the evaluation reports shall be retained in the department and maintained so as to be readily available for review. If no evaluation report was completed or if documentation is insufficient to support the performance rating, the General Manager, Personnel or designee shall instruct the appointing officer to comply.

D. APPEALS OF PERFORMANCE EVALUATION REPORTS

A participant may appeal a performance evaluation report if the participant was rated "development needed" or "unacceptable." The appeal shall be filed in writing within five (5) days of the participant's receipt of the evaluation with the General Manager, Personnel or designee, who shall forward a copy of the appeal to the participant's appointing officer. The appeal must address points of disagreement in writing with documentation to support a different perception of performance than the rating indicates. The appointing officer shall reply in writing within 14 days to the General Manager, Personnel or designee, on the merits of the appeal. The General Manager, Personnel shall issue his decision in writing within thirty (30) days of receipt of the written appeal. Such decision shall be final and no further appeals shall be considered.

Section 37.06 SENIOR MANAGEMENT SERVICE DEVELOPMENT FUND

A Senior Management Service Development Fund (hereinafter referred to as the Fund) shall be established to fund management development activities for participants. These activities shall include but not be limited to the following:

1. Attendance at and successful completion of college-level management development courses or seminars.
2. Membership in job-related professional associations and attendance at professional conferences and meetings.
3. Recognition of senior managers for exemplary performance, in the form of commendations or other non-cash items.

A. RESTRICTIONS ON USE OF THE FUND

The activities paid for by the Fund shall be job-related and pertain to performance of managerial duties, not the technical expertise that might be needed for specific job tasks. The total amount of the Fund that can be allocated, per participant, shall not exceed $1000 annually.

B. ADMINISTRATION OF THE FUND

Appointing officers, the Mayor, or the Chief Administrative Officer shall recommend that the manager's participation in a specific activity be compensated by the Fund. Recommendations shall be accompanied by a brief statement of why the activity will benefit, or has benefited, the manager's performance; that the department does not have the resources to pay for the activity in absence of the Fund; and the manager's most recent evaluation report.

A committee consisting of three persons, two designated by the General Manager, Personnel and one designated by the Office of the Mayor shall review recommendations for use of the Fund. The committee shall determine which activities will be paid out of the Fund according to the following criteria:

1. The activity qualifies for use of the Fund, according to the specifications outlined above.
2. Participants rated "fully competent and effective" or above on their most recent management performance evaluation shall be considered first for use of the Fund.

Section 37.07 TEMPORARY ASSIGNMENTS OUTSIDE OF CLASSIFICATION

Temporary assignments outside of classification of SMS participants shall be in accordance with the provisions of the Charter and those set forth elsewhere in these Rules, with the following exceptions:

A. The appointing officer shall have broad discretion in determining the nature and duration of such temporary assignments.

B. When funds are available and as soon as practicable, a temporary appointment shall be made.

Section 37.08 GENERAL LAY-OFF PROVISIONS

Lay-offs in SMS classes not specifically exempt from the Civil Service provisions of the Charter shall be governed by the provisions set forth elsewhere in these Rules except for the following:

A. LAY-OFFS BY DEPARTMENT

Lay-offs in SMS classes shall be treated separately under each appointing officer. Interdepartmental displacement rights in SMS classes shall pertain only to reinstatement to a position in a former class from which promoted.

B. ORDER OF LAY-OFFS

Lay-offs in SMS classes shall be by inverse order of seniority within each evaluation category in a department. Lay-offs shall occur in the following order as determined by the rating on the employee's most recent regularly scheduled evaluation report:

1. Unacceptable
2. Development Needed
3. Fully Competent and Effective
4. Superior
5. Outstanding

Any exceptions to this order of lay-off shall require the approval of the General Manager, Personnel at the request of the appointing officer.

C. REINSTATEMENT FOLLOWING LAY-OFF

Participants who are laid off whose former class has been abolished because of reclassification shall have reinstatement rights as determined by the General Manager, Personnel.

D. HOLDOVER RIGHTS

SMS participants who are laid off shall have the same holdover rights as other employees, except that:

1. Appointing officers shall select the person to return to duty from the three persons with the highest rank on the holdover roster;

2. If less than three persons are on the holdover roster, the appointing officer shall have a choice of three candidates certified from, first, the holdover roster and then from the highest ranked eligibles on the eligible list;

3. If no eligible list exists, the selection shall be made solely from the holdover roster.

MK:la

8-11-82

MRULE

October 8, 1982

TO: All Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM: John J. Walsh
General Manager, Personnel

SUBJECT: PROPOSED AMENDMENT TO APPENDIX B OF THE CIVIL SERVICE COMMISSION RULES TO REQUIRE A ONE-YEAR PROBATIONARY PERIOD FOR CERTAIN CLASSES.

Attached is a list of classes which are being proposed for addition to Appendix B of the Civil Service Commission Rules to require a one-year probationary period. Most of these classes are designated for inclusion in the Senior Management Service.

Requests to meet and confer or consult on this proposal must be received in writing by October 22, 1982 and must include the name and telephone number of a contact person. Meetings will be scheduled at mutually convenient times. Requests are to be directed to Al Walker, Assistant Secretary, Civil Service Commission, 153 City Hall, CA 94102-4693. Requests received after the deadline will not be considered.

Additional copies of this proposal are available in Room 153 City Hall.

Civil Service Commission

John J. Walsh
General Manager, Personnel

JJW:vl

CLASSIFICATIONS PROPOSED FOR
ONE-YEAR PROBATIONARY PERIOD

1237	Training Coordinator
1865	Systems and Procedures Supervisor
2118	Director, Medical Records
2124	Director of Admissions, San Francisco General Hospital
2143	Hospital Assistant Administrator
2145	Hospital Associate Administrator
2171	Medical Director, Laguna Honda Hospital
2182	Administrator, Laguna Honda Hospital
2212	Director, Division of Dental Health
2233	Supervising Physician Specialist
2234	District Health Officer
2246	Assistant Director of Clinical Services I
2248	Assistant Director of Clinical Services II
2250	Director of Clinical Services
2344	Chief of Surgery Nurses
2352	Assistant Director of Nursing Education
2366	Assistant Director of Nurses, Laguna Honda Hospital
2368	Assistant Director of Nurses, San Francisco General Hospital
2369	Director of Nurses, Laguna Honda Hospital
2370	Director of Nurses, San Francisco General Hospital
2465	Virologist
2466	Chief Microbiologist
2490	Director, Public Health Chemist
2492	Director, Public Health Laboratories
2581	Administrative Coroner
2584	Chief Medical Examiner - Coroner

2638 Director of Food Services, S.F.U.S.D.

2660 Administrative Chef

2786 General Services Manager

2816 Chief, Bureau of Records and Statistics

2824 Chief, Bureau of Health Education

2836 Director of Public Health Nursing

2885 Deputy Director of Adult Services, Community Health Service

2894 Program Chief, Community Public Health Services

2895 Program Chief, Community Mental Health Services

2896 Deputy Director of Community Health Programs

2897 Deputy Director for Program Planning, Development, Research and Evaluation

2925 Chief, Medical Social Services

2950 Social Service Division Supervisor

2951 Community Services Coordinator

2958 Director of Vocational Development and Training

2969 Assistant Director, Social Service Program

2970 Director, Administrative Services, Department of Social Services

2971 Director, Social Service Program

2973 Assistant General Manager, Department of Social Services

3104 Business Manager, Recreation and Park Department

3115 Executive Assistant to the General Manager, Recreation and Park

3234 Marina Manager

3292 Assistant Superintendent, Recreation

3440 Landscaping and Street Planning Supervisor

3453 Assistant Agricultural Commissioner-Sealer of Weights and Measures

3456 County Agricultural Commissioner and Sealer of Weights and Measures

3466 Assistant Superintendent, Parks, Squares and Facilities

3638 Chief Librarian

3640 Coordinator of Children's Services

3642 Coordinator of Adult Services

4130 Convention Facilities Assistant Manager

4132 Convention Facilities Manager

4144 Assistant Director of Property

4150 Director of Property

4212 Chief Technical and Assessment Services

4225 Assistant Chief Personal Property Auditor

4226 Chief Personal Property Auditor

4256 Real Estate Analyst

4268 Assistant Chief Real Property Appraiser

4269 Chief Appraiser

4349 Director of Real Estate, Tax Collector's Office

4378 Cash Management and Investment Officer

5102 Public Buildings Maintenance and Repair Assistant Superintendent

5104 Public Buildings Maintenance and Repair Superintendent

5105 Director, Maintenance and Operations, S.F.U.S.D.

5112 Assistant Director of Planning - Implementation (Zoning Administrator)

5113 Assistant Director of Planning - Plans and Programs

5115 Deputy Director of Planning

5122 Assistant City Architect

5124 City Architect

5132 Sewer Repair and Sewage Treatment Superintendent

5134 Deputy Manager, Bureau of Water Pollution Control

5138 Hetch Hetchy Project Superintendent of Operations

5149 Superintendent of Water Treatment Facilities

5150 Assistant Division Manager, Alameda Division

5154 Assistant Division Manager, Pennisula Operations

5156 Division Manager, Suburban Operations

5158 City Distribution Division Assistant Manager

5160 City Distribution Division Manager

5161 Water Purification Assistant Division Manager

5162 Water Purification Division Manager

5170 Street Cleaning and Planning Superintendent

5171 Street Repair Assistant Superintendent

5172 Street Repair Superintendent

5173 Street Cleaning and Planning Assistant Superintendent

5176 Chief Valuation and Rate Engineer

5177 Safety Officer

5178 Assistant Superintendent, Property Conservation

5179 Assistant Superintendent, Building Inspection Administration

5183 Deputy Superintendent, Building Inspection

5184 Superintendent of Building Inspection and Property Conservation

5185 General Manager, Hetch Hetchy Project

5187 Executive Director, Clean Water Program

5210 Senior Civil Engineer

5212 Principal Civil Engineer

5219 Senior Structural Engineer

5232 Senior Traffic Engineer

5233 Principal Traffic Engineer

5242 Senior Electrical Engineer

5249 Senior Sanitary Engineer

5258 Senior Mechanical Engineer

5273 Principal Architect

5285 Airport Noise Abatement Officer

5286 Administrator, Property Conservation

6127 Assistant Director, Bureau of Environmental Health Services

7102 Maintenance and Repair Assistant Superintendent, Hetch Hetchy Project

7120 Buildings and Grounds Maintenance Superintendent

7124 Maintenance and Repair Superintendent, Hetch Hetchy Project

7125 Electrical Operation and Maintenance Superintendent, Hetch Hetchy Project

7126 Mechanical Shop and Equipment Superintendent

7131 Electrical Maintenance and Construction Superintendent

7134 Water Construction and Maintenance Superintendent

7136 Water Shops and Equipment Superintendent

7150 City Shops General Superintendent

7202 Assistant Park Superintendent for Structural Maintenance

7277 City Shops Assistant Superintendent

8166 Compensation Claims Supervisor

8185 Director, Family Support Bureau

8194 Deputy Director, Mayor's Criminal Justice Council

8195 Executive Director, Mayor's Criminal Justice Council

8246 Director, Emergency Services

8326 Assistant Director, Boys Ranch School

8330 Director, Boys Ranch School

8336 Business Manager, Juvenile Court

8340 Assistant Director, Juvenile Court

8344 Director of Institutions, Juvenile Court

8415 Senior Supervising Probation Officer, Juvenile Court

8416 Assistant Chief Probation Officer, Juvenile Court

8418 Chief Probation Officer, Juvenile Court

8435 Senior Supervising Adult Probation Officer

8470 Executive Director, County Parole Commission

9159 General Claims Agent

9177 Director System Safety

9181 Metro Operations Manager

9183 Deputy General Manager, Engineering and Maintenance, Municipal Railway

9189	Director of Planning, Municipal Railway
9191	Deputy General Manager, Operations, Municipal Railway
9206	Airport Property Specialist I
9207	Airport Property Specialist II
9226	Airport Operations Superintendent
9232	Airport Mechanical Maintenance Supervisor
9252	Airport Maintenance Superintendent
9253	Director, Bureau of Community Affairs
9255	Airport Economic Planner
9256	Airport Assistant General Manager, Operations and Maintenance
9258	Airport Assistant General Manager, Business Administration
9260	Airport Assistant General Manager, Planning and Development
9261	Terminal Construction Program Administrator
9361	Assistant Superintendent, Harbor Maintenance, Electrical
9363	Assistant Superintendent, Harbor Maintenance, Piers and Wharves
9364	Superintendent, Harbor Maintenance and Repair
9379	Chief Harbor Engineer
9384	Chief, Bureau of Administrations and Finance, Port
9387	Port Traffic Manager
9388	Chief, Bureau of Maritime Activities
9390	Executive Assistant to the Port Director
9393	Sales Manager, Port of San Francisco
9396	Commercial Property Manager
9405	Coordinating Program Monitor, City Demonstration Agency
9710	Employment and Training Specialist V
9714	Director, Mayor's Office Employment and Training

October 15, 1982

TO: All Appointing Officers
Departmental Personnel Officers
Employees and Employee Organization Representatives

FROM: John J. Walsh
General Manager, Personnel

SUBJECT: PROPOSED AMENDMENTS TO THE CIVIL SERVICE COMMISSION RULE 11 - CERTIFICATION OF ELIGIBLES

Attached are proposed amendments to Civil Service Commission Rule 11 - Certification of Eligibles. The effect of these changes, if adopted, would be (1) to impose on the departments a time limit to notify the Civil Service Commission of the outcome of a certification of eligibles (2) to provide a penalty for the department's failure to respond within the mandated time limit, and (3) to limit waivers by eligibles to three.

Requests to meet and confer or consult on these proposals must be received in writing by October 29, 1982 and must include the name and telephone number of a contact person. Meetings will be scheduled at mutually convenient times. Requests are to be directed to Al Walker, Assistant Secretary, Civil Service Commission, 153 City Hall, CA 94102-4693. Requests received after the deadline will not be considered.

Additional copies of this proposal are available in Room 153 City Hall.

Civil Service Commission

John J. Walsh
General Manager, Personnel

JJW:vl

Proposed Amendments to Civil Service Commission Rule 11.

Additions are indicated in UPPER CASE AND ARE UNDERLINED;
Deletions are shown by ((Double Brackets))

Section 11.03 RESPONSE PERIOD.

A. Notice of Inquiry

1. Eligibles are required to respond in writing to the Civil Service Commission within five (5) business days of the date of such notice.

2. The General Manager, Personnel may authorize that eligibles be polled by telephone; provided, however, that eligibles who cannot be reached by telephone will not be penalized or adversely affected in any way.

B. Notice of Certification

1. Eligibles are required to respond to the appointing officer or designated representative within five (5) business days after the date of such notice.

2. Eligibles are required to notify the Civil Service Commission as to their certification status within seven (7) business days after the date of the notice of certification.

3. DEPARTMENTS ARE REQUIRED TO NOTIFY THE CIVIL SERVICE COMMISSION OF THE RESULTS OF A CERTIFICATION WITHIN TEN (10) BUSINESS DAYS AFTER THE DATE OF THE NOTICE OF CERTIFICATION.

C. Extensions

Response period time limits may be extended by the General Manager, Personnel.

Section 11.04 EFFECT OF FAILURE TO RESPOND.

1. An eligible who fails to respond within the time limits provided will be placed under General Waiver on the eligible list until such time as the waiver is withdrawn in accordance with these rules.

2. EXCEPT IF THE GENERAL MANAGER, PERSONNEL DETERMINES THAT UNUSUAL CIRCUMSTANCES EXIST WHICH WOULD CREATE AN UNDUE HARDSHIP, A DEPARTMENT THAT FAILS TO RESPOND WITHIN THE TIME LIMITS PROVIDED SHALL HAVE ALL AUTHORIZATION CANCELED FOR NON-CIVIL SERVICE AND LIMITED TENURE APPOINT-

MENT IN THE CLASS FOR WHICH CERTIFICATION WAS MADE. THE CANCELATION OF NON-CIVIL SERVICE AND LIMITED TENURE AUTHORIZATION SHALL RESULT IN THE IMMEDIATE LAY-OFF OF ALL NON-CIVIL SERVICE AND LIMITED TENURE INCUMBENTS IN THAT CLASS IN THE DEPARTMENT. DEPARTMENTAL TIMEROLLS FOR NON-CIVIL SERVICE AND LIMITED TENURE INCUMBENTS IN THE AFFECTED CLASS SHALL NOT BE APPROVED.

Section 11.05 WAIVERS.

C. Effects of Waivers

1. A General or Conditional Waiver of certification by an eligible having standing on more than one list in the same classification shall apply to any existing list for the same classification.

((2. Waiver of certification to a part-time or temporary position will not adversely affect the eligible's right to be certified to a full-time or permanent position.))

2. An eligible who waives certification to a position covered by conditional waivers shall not be certified to a position requiring those conditions from that list until such waiver is removed in accordance with the provisions of these rules.

3. UNLESS OTHERWISE PROVIDED IN THE EXAMINATION ANNOUNCEMENT, ELIGIBLES MAY WAIVE CONSIDERATION FOR TEMPORARY OR PERMANENT APPOINTMENT FROM TWO NOTICES OF CERTIFICATION. WAIVER FROM THE THIRD NOTICE OF CERTIFICATION WILL RESULT IN THE REMOVAL OF THE ELIGIBLE'S NAME FROM THAT ELIGIBLE LIST AND ALL OTHER LISTS IN THAT CLASS. THE NON-SELECTION BY THE DEPARTMENT OF AN AVAILABLE ELIGIBLE SHALL NOT BE CONSIDERED AS A WAIVER.

4. UNLESS OTHERWISE ORDERED BY THE GENERAL MANAGER, PERSONNEL, IF ONE NOTICE OF CERTIFICATION IS ISSUED FOR MORE THAN ONE DEPARTMENT OR POSITION AND THE ELIGIBLE IS NOT AVAILABLE FOR ALL POSITIONS OFFERED A GENERAL WAIVER WILL BE IMPOSED AGAINST THE ELIGIBLE'S NAME ON THE LIST.

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